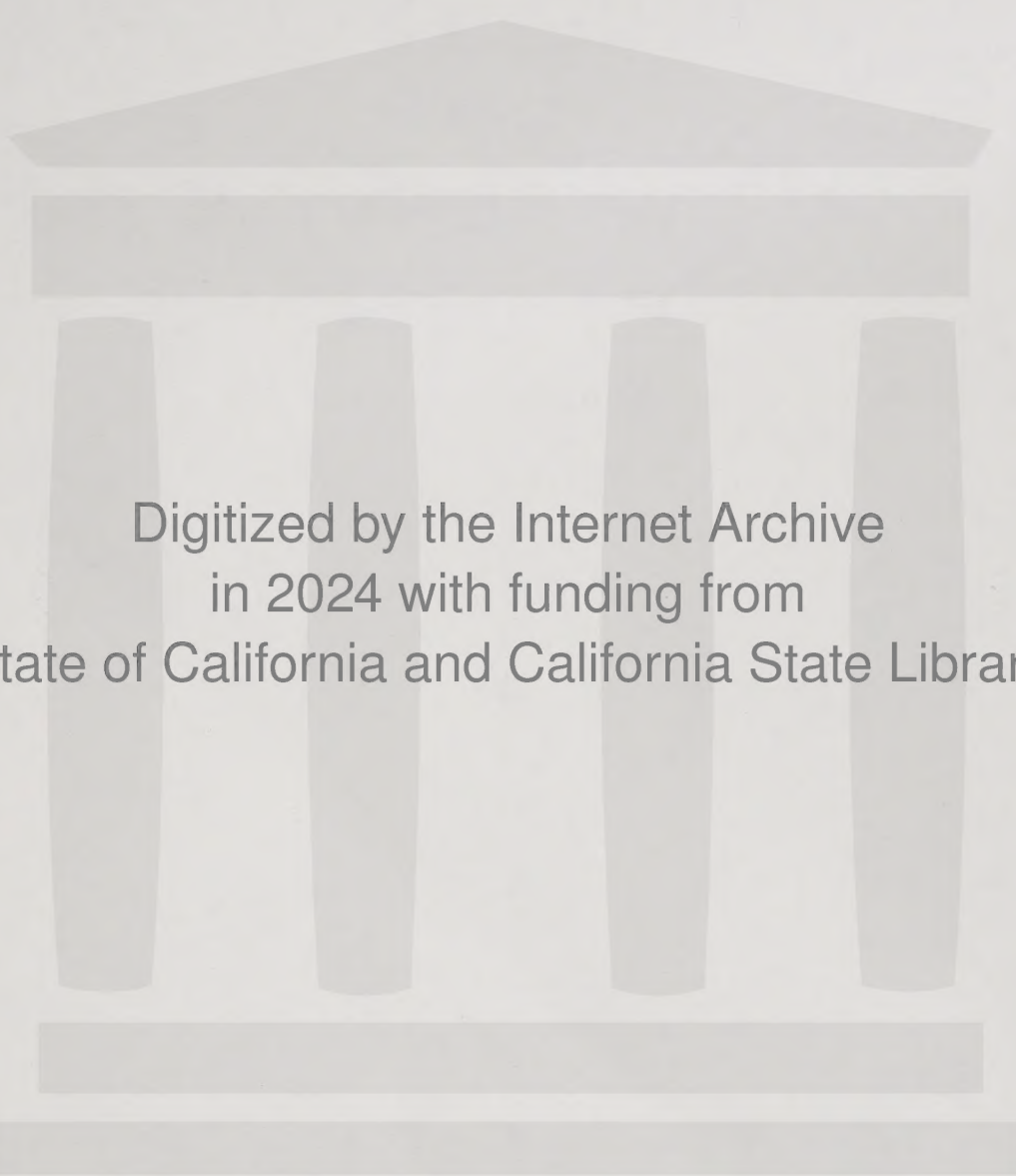


RULES
of the
CIVIL SERVICE
COMMISSION
County of Kern



Enacted by the
CIVIL SERVICE COMMISSION

(Reprinted March 12, 1984)



Digitized by the Internet Archive
in 2024 with funding from
State of California and California State Library

<https://archive.org/details/C124878480>

TABLE OF CONTENTS

Rule 100 - DEFINITIONS

Definition of Terms

Rule 200 - CLASSIFICATION AND COMPENSATION

- 201.00 Authority - Salary Ordinance
- 202.00 Classification of Positions
- 203.00 Amendment and Maintenance of Classification Plan
- 204.00 Specifications
- 205.00 The Compensation Plan

Rule 300 - APPLICATIONS FOR EXAMINATIONS

- 301.00 Filing of Applications
- 302.00 Age
- 303.00 Health and Physical Ability
- 304.00 Special Qualifications
- 305.00 Investigation and Fingerprints
- 306.00 Disqualification
- 307.00 Notification of Disqualified Applicants
- 308.00 Applications Not to be Returned
- 309.00 Veterans' Preference
- 310.00 Prohibition Against Discrimination

Rule 400 - EXAMINATIONS

- 401.00 Examination Management Objective
- 402.00 Call for Examination
- 403.00 Character and Preparation of Examination
- 404.00 Notice of Examinations
- 405.00 Competition
- 406.00 Examination Procedure
- 407.00 Rating of Examinations
- 408.00 Notice of Results of Examination
- 409.00 Inspection and Review of Individual Application Materials and Test Papers
- 410.00 Series Examinations
- 411.00 Appeal from Qualification Appraisal Board
- 412.00 Appeal on Discrimination

Rule 500 - ELIGIBLE LISTS

- 501.00 Order of Eligibles
- 502.00 Duration of Eligible Lists
- 503.00 Promulgation of Eligible Lists
- 504.00 Re-employment Lists
- 505.00 Promotional Lists
- 506.00 Seasonal Lists
- 507.00 Inactive List
- 508.00 Subdivision of Lists
- 509.00 Removal of Names from Eligible List

Rule 600 - REQUISITION, CERTIFICATION AND APPOINTMENT

- 601.00 Request for Certification
- 602.00 Certification of Names
 - 602.10 Order of Certification of Lists
 - 602.20 Number to be Certified
 - 602.30 Promotional Certification
- 603.00 Certification of Eligibles with Special Qualifications
- 604.00 Authorization of Provisional Appointment
- 605.00 Notice of Certification
- 606.00 Certification to Position of Lower Class
- 607.00 Waiver
- 608.00 Objection and Substitution
- 609.00 Appointments
- 610.00 Appointment on Authorization for Provisional Appointment
- 611.00 Appointments in Emergencies or Elections Administered by the County Clerk
- 612.00 Permanent Appointments
- 613.00 Temporary Appointment
- 614.00 Provisional Appointment
 - 614.10 Maximum Duration
 - 614.20 Termination After Certification
 - 614.30 Provisional Promotion of a Permanent Employee
- 615.00 Limited Term Appointment
- 616.00 Reports of Appointments
- 617.00 Status of Present County Employees on Probation
- 618.00 Cancellation of Requisitions

Rule 700 - PROBATIONARY PERIOD

- 700.00 Purpose of Probation
- 701.00 Duration and Status of Probation
- 702.00 Conditions Preliminary to Permanent Appointment
- 703.00 Separation of Probationer
 - 703.10 Restoration of Promotional Probationer
 - 703.20 Termination of Transferred Probationer
 - 703.30 Rejected Probationary Employee

Rule 800 - PERFORMANCE EVALUATION REPORTS

Rule 900 - PROMOTION

- 901.00 Promotion Based on Examination
- 902.00 Types of Promotional Examinations
 - 902.10 Department Promotional
 - 902.20 Interdepartmental Promotional
- 903.00 Eligibility for Promotional Examinations
- 904.00 Promotion from Entrance Level Classification Where Flexible Position Allocations Exist

Rule 1000 - TRANSFERS

- 1001.00 Transfer Defined

- 1002.00 Requirements for Transfer
- 1003.00 Application for Transfer
- 1004.00 Transfer of Elected Official
- 1005.00 Probationary Period for Transfer

Rule 1100- VACATIONS

Rule 1200 - LEAVES OF ABSENCE

- 1201.00 Leaves Without Pay, General Provisions
- 1202.00 Request for Leave
- 1203.00 Duration of Leave Without Pay
- 1204.00 Return Before Expiration
- 1205.00 Leave for Compensable Disability
- 1206.00 Military Leave
- 1207.00 Educational Leave Without Pay
- 1208.00 Personal Necessity Leave
- 1209.00 Leaves of Absence for Probationary Employees
- 1210.00 No Vacation and Sick Leave Accruals While on
Leave
- 1211.00 Records of Leaves

Rule 1300 - LAYOFF GENERAL MEMBER EMPLOYEES

- 1301.00 Definitions
- 1302.00 Order of Layoff
- 1303.00 Method of Selection of Employees to be Laid
Off
- 1304.00 Notice of Layoff
- 1305.00 Placement of Names on Re-employment Lists
- 1306.00 Use of Re-employment Lists
- 1307.00 Rights of Employees Recalled from Layoff
Displacements
- 1308.00 Priority and Duration of Re-employment Lists
- 1309.00 Restoration of Former Employee's Name to
Layoff Re-employment List

Rule 1400 - LAYOFF SAFETY MEMBER EMPLOYEES

- 1405.00 Definitions
- 1410.00 Order of Layoff
- 1420.00 Selection of Permanent Safety Employees to
be Laid Off
- 1425.00 Notice of Layoff
- 1430.00 Placement of Names on Re-employment Lists
- 1435.00 Reallocation of Positions in Various
Classifications
- 1440.00 Displacement of Employees to Lower Level
Classifications
- 1445.00 Use of Re-employment Lists
- 1450.00 Rights of Recalled Employees
- 1455.00 Priority and Duration of Re-employment Lists
- 1460.00 Restoration of Former Employee's Name to
Layoff Re-employment List

RULE 1500 - DISPLACEMENT APPEAL PROCEDURE

- 1510.00 Definitions
- 1520.00 Appeal Petition
- 1525.00 Appeal Procedure

Rule 1600 - RESIGNATION

Rule 1700 - DISMISSAL, SUSPENSION, REDUCTION

- 1705.00 Cause for Dismissal, Suspension or Reduction
- 1710.00 Notice of Proposed Action and Employee's
Right to Respond
- 1715.00 Duty Status During Notice Period
- 1720.00 Exceptions to Notice Period and Opportunity
to Respond
- 1725.00 Order of Dismissal, Suspension or Reduction
- 1730.00 Appeal and Answer
- 1735.00 Hearing
- 1740.00 Findings and Decision
- 1745.00 Maximum Suspension
- 1750.00 Use of Hearing Officers
- 1760.00 Occupational Alcoholism - Non-Punitive
Action

Rule 1800 - DISCRIMINATION APPEALS

- 1810.00 Right to Appeal Based on Discrimination
- 1820.00 Informal Review
- 1830.00 Appeal Procedure
- 1840.00 Hearing
- 1845.00 Hearing Officer
- 1850.00 Discrimination Hearing by Commission

Rule 1900 - ELIMINATION OF OFFICE

- 1900.00 Definitions
- 1910.00 Appointment of Former Employees of Elimina-
ted Secondary Office
- 1920.00 Probationary Period
- 1930.00 Vacation, Sick Leave and Retirement

Rule 2000 - POLITICAL ACTIVITY OF COUNTY EMPLOYEES

Rule 2100 - CERTIFICATION OF PAYROLLS

- 2110.00 Pre-Audit of Payrolls
- 2120.00 Official Roster
- 2130.00 Payrolls to be Submitted
- 2135.00 Payrolls to be Certified if Approved
- 2140.00 Certification of Payrolls Withheld if not
Approved
- 2145.00 Persons Authorized to Certify Payrolls

Rule 2200 - ORGANIZATION AND ADMINISTRATION

- 2210.00 The Commission
- 2220.00 Election of Officers

2225.00 Quorum
2227.00 Commission Meetings
2229.00 Order of Business
2232.00 Director of Personnel
2240.00 Secretary of Commission
2250.00 Commission Records

Rule 2300 - RULES AND REGULATIONS

2301.00 Amendment of Rules
2302.00 Regulations

Applicant - shall mean a person who has made formal application to take a civil service examination.

Appointing Authority - shall mean the Board of Supervisors, the chief executive officer, supervising head of a department, institution, board or commission, person or group of persons authorized by statute or lawfully delegated to make appointments.

Board - when used alone, shall mean the Board of Supervisors.

Certification - shall mean the submission by the Commission of names of eligibles from an appropriate eligible list to an appointing authority.

Class or Class of Positions - shall mean a group of positions sufficiently similar in respect to their duties and responsibilities that the same descriptive title, the same qualification requirements, the same test of fitness, and the same schedule of compensation may be applied to each position in the group.

Classification Plan - shall mean a summary and schematic outline of the classes of positions in the classified service arranged by broad service, groups of classes and series of related classes as provided by the Commission; the class specifications and the rules for administration of the plan.

Classification or Reclassification - shall mean the determination of a position's contents and its allocation by the Commission to a class in accordance with the duties performed and the authority and responsibilities exercised.

Classified Service - shall mean all offices, positions and employments in the Kern County Service, except those expressly designated as exempt from the provisions of the Civil Service System under Section V of the Kern County Initiative Civil Service Ordinance.

Commission - when used alone, shall mean the Kern County Civil Service Commission.

Compensation - shall mean any salary, wage, fee, allowance or other emolument paid to an employee for performing the duties and exercising the responsibilities of a position.

Confidential Assistant - shall mean any person appointed to a budgeted position officially designated as a confidential assistant by the Board of Supervisors of the County, and whose duties, responsibilities and authority emanate from the elected official making the appointment.

County - shall mean the County of Kern Government.

Demotion - shall mean a change in status of an employee from a position in one class to a position in another class having lesser duties and responsibilities, lower qualifications and a lower range of compensation.

Director - shall mean the Director of Personnel appointed by the Commission in accordance with Section IV of the Kern County Initiative Civil Service Ordinance whose duty it is to supervise the administration of the functions of the Civil Service Commission and to act as its secretary.

Dismissal - shall mean the separation of an employee by an appointing authority for cause.

Eligible - shall mean an applicant for any examination who receives a final passing rating and whose name appears on an eligible list.

Eligible List - shall mean an officially promulgated list of names of persons who have been examined in an open competitive or promotional examination arranged in order of merit and who are eligible for certification for a specific class.

Emergency Appointment - shall mean an appointment not to exceed fifteen (15) calendar days duration made during an actual emergency to prevent the stoppage of public business.

Employee - shall mean a person legally holding a position in the classified service of the County of Kern.

Employment List - shall mean eligible list, promotional eligible list and re-employment list.

Extra Help - shall mean employment in the classified service required because of temporary limited term or seasonal needs for which regular positions are not provided by the Salary Ordinance.

Job Analysis - shall mean the systematic process which embraces the collection, compilation, verification, study, and applications of all pertinent information about the nature of a specific job or group of jobs in the same classification for purposes of meeting such personnel management needs as job evaluation, position classification, recruitment, examination development and validation, and employee performance planning and appraisal.

Layoff - shall mean termination of employment of an employee without prejudice because of lack of funds or work, because of natural changes of duties or organization, or in order to permit reinstatement of an employee who has been on duly authorized leave of absence without pay.

Leave of Absence - shall mean permission to be absent from duty for a specified period, which gives the employee the right to return to his position at the expiration of the period.

Limited Term Appointment - shall mean an extra help appointment to a position for a limited period not to exceed nine (9) calendar months provided there shall be no such reappointment with the same department for sixty (60) days following termination.

Minimum Qualifications - shall mean the minimum standards of education, experience, ability, knowledge, licenses and other requirements set by the Commission for entrance to examinations, for appointments or for promotion.

Objectively-Graded Test - shall mean any test in which an examinee receives a score that is not influenced by the views or opinions of those grading the test or evaluating the test results (e.g., a multiple choice written test--not subject to interpretation).

Oral Interview - shall mean an examination employing one or more interview panel members who have the responsibility to assess and subjectively rate an examinee's fitness and qualifications for employment.

Performance Evaluation - shall mean the recording, on the form prescribed by the Director, of the behavior, productivity, and individual efficiency of each probationary and permanent employee of the classified service.

Performance Examination - shall mean any examination requiring the examinee to demonstrate knowledge, skills, abilities and attributes. Such examinations may employ written, oral or physical responses from the examinee, may be objectively or subjectively graded (or a combination of the two) and may present the test material through a variety of media.

Permanent Employee - shall mean any employee who has permanent status in the classified service.

Permanent Status - shall mean the status of an employee who is lawfully retained in his position after the completion of the probationary period as provided in these rules.

Physical Ability Test - shall mean a test of an examinee's physical abilities (as contrasted with mental abilities). Such tests may include, but not be limited to, demonstrations of static strength, dynamic strength, balance, quickness, stamina, flexibility and manual dexterity.

Position - shall mean a specific office or employment provided by the Salary Ordinance, whether occupied or vacant, limited term or permanent, calling for the performance of certain duties and the carrying of certain responsibilities by an employee either on a part-time or full-time basis.

Probationary Period - shall mean a period of active service following date of appointment to a permanent position from an eligible list, successful completion of which shall give the employee permanent status.

Probationary Status - shall mean the status of an employee who has been certified and appointed from an eligible list or a promotional eligible list, but has not completed the probationary period as provided in these rules.

Promotion - shall mean a change in status of an employee advancing him/her, through certification from an eligible list, to a vacant position in a higher class, with higher duties, responsibilities, qualifications and a higher range of compensation.

Promulgation - shall mean the formal act, by the signature of the Director, of authenticating and approving for use the eligible lists developed for the various classes of positions within the County.

Provisional Appointment - shall mean an appointment made in the absence of any appropriate eligible list as provided in these rules and the Kern County Initiative Civil Service Ordinance.

Provisional Employee - shall mean an employee holding a position under provisional appointment, pending a competitive examination for the class.

Seasonal Position - shall mean any position which requires or is likely to require the services of an incumbent during certain parts of each year or recurring annually or at other periods.

Subjectively-Graded Test - shall mean any test in which examinee scores result from the assessment, interpretation, opinion, evaluation or observation of another person or group of persons, or for which there can be many forms of a correct response or responses. Tests normally employing subjective grading techniques include, but are not limited to, performance tests (practical demonstrations of skill and ability), oral interviews, assessment centers, and assessment exercises.

Suspension - shall mean an enforced absence of an employee without pay for disciplinary purposes or pending investigation of charges made against an employee.

Temporary Employee - shall mean:

1. An employee filling a budgeted position for a period of time as a result of an authorized leave of absence without pay for the permanent employee.
2. An employee filling a budgeted position for a limited period of time due to: (a) contractual arrangements; (b) limited duration of the job; and (c) trainee nature of the job.
3. An employee filling a position which is budgeted for a specific pre-determined period of time to assist in special projects.

Written Examination - shall mean any paper and pencil test which employs multiple choice completion, or true/false responses (or a combination) to the questions presented, and which is graded objectively.

- 201.00 UNDER AUTHORITY OF CHAPTER 2, DIVISION 3, PART 1, of the Ordinance Code, Rule II classifies and prescribes salaries for all positions in the classified service of the County of Kern. Because of its size and because it is periodically re-enacted with or without amendments, Rule II is printed in a separate book to which reference is here made.
- 202.00 CLASSIFICATION OF POSITIONS.
Each position in the classified service shall be classified upon recommendation of the Director and approval of the Commission and the Board and shall be allocated to the appropriate class in accordance with the character, difficulty and responsibility of its assigned duties. Positions shall be allocated to the same class when their duties are sufficiently similar that:
- 202.10 The same descriptive title may be used to designate each position in the class.
- 202.20 The same level of education, experience, knowledge and other qualifications may be required of incumbents.
- 202.30 Similar tests of fitness may be used to select incumbents.
- 202.40 The same schedule of compensation will apply with equity under substantially the same employment conditions.
- 203.00 AMENDMENT AND MAINTENANCE OF THE CLASSIFICATION PLAN.
Whenever one or more new positions are to be established or whenever, because of any change in organization or method, significant change in the duties or responsibilities of any existing position is to be made which requires the amendment of the classification plan, such revision and amendment of the classification plan shall be made in the manner as provided herein.
- 203.10 Whenever an appointing authority proposes that a significant change be made in the duties and responsibilities of an existing position, he shall forthwith report the significant facts in writing to the Commission. Thereupon, the Commission shall make a study of the duties and responsibilities of any such position and of the qualifications required for filling the same and of the relationship of such positions to other classes of positions in the classification plan.

- 203.20 The Commission, upon written request of a department head or any employee, or upon its own initiative, may investigate the allocation of any existing position because of a significant change in the duties and responsibilities, or because of the creation of a new class to which such position may more appropriately be allocated or because of the abolishment or combination of any existing positions or classes.
- 203.30 Whenever a new position is created and is classified before it is occupied, such position shall be subject to investigation to determine if it is correctly classified after the position is occupied.
- 203.40 Upon completion of such investigations, the Commission shall have authority to determine whether the duties of any existing or proposed positions have been changed, added to or eliminated, and, if appropriate, shall make recommendations to the Board as to the changes that should be made in the salary schedules affected.
- 203.50 Subject to the judgment and discretion of the Director, an employee occupying a position in the classified service under consideration for reclassification to a higher level may be required to demonstrate qualifications for the higher level classification by appropriate examination.

204.00 SPECIFICATIONS.

- 204.10 The Commission shall maintain a written specification for each class of position in the classified service and, when approved and adopted by the Commission, they shall constitute the official specifications of classes in the County Service. The official copy of the specification for each class of position shall be maintained in the office of the Commission, and shall indicate the date of adoption or last revision or amendment.
- 204.20 The specifications shall include: the class title; a brief description of the scope, nature and responsibility of the class; a description, typical but not necessarily restrictive, of tasks or duties ordinarily performed in positions allocated to the class; a statement of education, experience, knowledge, skills, abilities and additional factors or features necessary to perform satisfactorily in the job.

- 204.30 Specifications are not restrictive and shall not be construed as declaring that duties and responsibilities shall not be changed or that an appointing authority may not temporarily assign other duties and responsibilities to or otherwise direct and control the work of employees under his supervision.
- 205.00 THE COMPENSATION PLAN.
The Basic Pay Plan consists of the salary schedule and the assignment of classes to such schedules as provided in the Salary Ordinance. Each employee shall be paid within the schedule for his class as provided in said ordinance.
- 205.10 The County's compensation program shall be maintained through a program involving meetings and conferences between the Board of Supervisors' designated representatives and representatives of recognized employee organizations conducted in accordance with the provisions of the Meyers-Miliias-Brown Act (Government Code Sections 3500 et seq) and ordinances, resolutions and regulations adopted from time to time by the Board of Supervisors regarding employer-employee relations. This Rule is adopted for the express purpose of implementing Section VI (b) of the Kern County Civil Service Ordinance in conformity with the Meyers-Miliias-Brown Act which was intended by the State Legislature to regulate the field of public employee labor relations throughout the State.

301.00 FILING OF APPLICATIONS.

No person shall be admitted to an examination for employment unless such person shall have completed and filed an application for said examination upon the form furnished by the Commission, which application shall not have been rejected by the Commission or Director for cause in accordance with the provisions of these rules. Applicants must file applications in the office of the Commission, in person or by mail, not later than the final filing date prescribed in the notice of examination. If mailed, the application must be received in the office of the Commission by the close of business on the final filing date specified in the announcement. The applicant shall certify as to the correctness of all statements made in his application.

301.10 Applicants must possess the minimum qualifications for the class of position applying to, on or before the final date for filing applications.

301.20 Applicants must comply with all special instructions contained in the announcement.

302.00 AGE.

No person, solely because of age, shall be prohibited employment in the classified service nor shall any applicant solely because of age be prohibited admission to any examination who meets the minimum qualifications for the job.

302.10 The Commission may fix minimum and/or maximum age requirements when compatible with legal requirements or when the Commission finds that certain age restrictions constitute a bona fide occupational qualification.

303.00 HEALTH AND PHYSICAL ABILITY.

The Commission shall establish medical and physical standards for the various classes of positions in the Classified Service. Each applicant or eligible shall be required to meet the medical and physical standards prescribed by the Commission and shall be required to take a medical and physical examination to determine whether or not he meets such standards, provided, however, that the Director may allow appointment without such examination in the case of temporary employment or in the event it is impractical for the county to provide such examination. The Commission shall designate the physicians to make such examinations.

- 303.10 If the applicant or eligible is found by a designated physician not to meet the prescribed standards, his name shall be:
- 303.11 Withheld from placement on the eligible list by the Director, or
- 303.12 Removed from the eligible list by the Commission, or
- 303.13 Withheld from certification by the Director until the eligible does meet the required standards, unless waiver of medical and physical standards is granted.
- 303.20 The Commission or Director may exercise discretion in granting a waiver of medical and physical standards to allow temporary or permanent appointment of an applicant or eligible who does not possess the required health and physique. Such waiver may be made upon such conditions or for such period as the Commission or Director may prescribe.
- 303.30 The Director may permit an applicant to obtain a second medical opinion, at his or her expense, for the purpose of clarifying medical qualifications. The second medical opinion shall be given whatever weight and consideration the Director, in his judgment, deems appropriate and is no guarantee of employment or placement on an eligible list.
- 303.40 In the event of employment in advance of medical and physical examination, or in the event of appointment after waiver subject to attainment of required standards within a specified time, such employee shall be separated on order of the Director unless the employee attains the standards or is granted an adequate waiver.
- 304.00 SPECIAL QUALIFICATIONS.
In application for examinations for positions which are scientific, professional or technical, or for positions the duties of which require special qualifications, the Commission may demand evidence of a satisfactory degree of education, training or experience, and may demand certificates of competency, or the possession of such license as the law may provide as necessary for the practice of the profession, art or trade involved, and may exclude applicants who fail to give such evidence or certificates, or who do not possess such licenses. All such requirements or evidence of education or licenses shall be prescribed in the public notice of the examination.

304.01 EXPERIENCE

For the purpose of this Rule, experience shall only be credited if the applicant held the payroll title of the classification as a permanent or probationary employee in which experience is claimed, and was paid the prevailing rate in that classification. The length of time credited to a given level of experience shall be the time actually paid as a permanent or probationary employee for the services performed in that classification or job.

305.00 INVESTIGATION AND FINGERPRINTS.

In any examination for employment, the Commission may require as a prerequisite to such examination the taking of fingerprints of all applicants and the Director may make special inquiry into past records of all applicants and any other investigations as deemed necessary. Any person whose record or reputation shall, in the Commission's judgment, so warrant shall be disqualified from taking such examination or having taken said examination and whose name appears on the eligible list, be withheld from certification or removed from said list.

306.00 DISQUALIFICATION.

The Commission may refuse to examine, or after examination, to certify as eligible, or may remove from the eligible list any person:

- 306.01 Who lacks any of the minimum qualifications established by the Commission for the examination or position to which he seeks appointment;
- 306.02 Who is physically deformed or so disabled as to be rendered unfit to perform the duties of the position to which he seeks appointment;
- 306.03 Who is addicted to the use of narcotics, or the habitual use of intoxicating liquors to excess;
- 306.04 Who has been convicted of a misdemeanor or felony or any crimes involving moral turpitude;
- 306.05 Who has made a false statement of material facts in his application;
- 306.06 Who has been previously dismissed for good cause from any public service;

- 306.07 Who has resigned from public service not in good standing, or in order to avoid dismissal;
- 306.08 Who has used, or attempted to use any personal or political influence to further his/her eligibility or appointment;
- 306.09 Who has failed to submit the application correctly or within the prescribed time limits;
- 306.10 Who has otherwise violated provisions of these rules.
- 307.00 NOTIFICATION OF DISQUALIFIED APPLICANT.
A disqualified applicant shall be promptly notified of the disqualification. Notice of disqualification shall be mailed to the applicant's last known address.
- 308.00 APPLICATIONS NOT TO BE RETURNED.
Applications, whether accepted or rejected, shall remain on file in the office of the Commission and shall not be returned. Minor defects or omissions in an application on file may be corrected or supplied only after obtaining special permission from the Director. The date of receipt of application shall be endorsed thereon. Applications of persons who fail to appear for examination shall not be used for any other examination, but shall be cancelled. The names of applicants shall not be disclosed to the public without the express permission of the Commission.
- 309.00 VETERANS' PREFERENCE.
In order to qualify for Veterans' Preference Credits, as provided in part (h) Section VI, of the Civil Service Ordinance, an applicant must have served in the United States Army, Navy, Air Force, Marine Corps, Coast Guard, or any division thereof in time of war, or in any expedition of the armed forces of the United States, and have received an honorable discharge or certificate of honorable act of service. In addition, he must have applied for such credits on the Commission's form "Employment Application", and must have presented to the Director, the original or photostatic copy of honorable discharge or certificate of honorable discharge or certificate of honorable active military service, or acceptable evidence of required military service, not later than the final filing date.
- 309.10 Veterans' Preference Credits shall not be applied in promotional examinations.

309.20 Applicants who fail to apply for Veterans' Preference Credits, or who do not present the required credentials within the prescribed time allowed, will be deemed to have waived such credits.

310.00 PROHIBITION AGAINST DISCRIMINATION.
Discrimination against any person in the classified service or any person seeking admission thereto because of race, national origin, sex, age, physical disability, color, medical condition, marital status, ancestry or union activity is prohibited. Discrimination on the basis of age, sex, or physical disability is prohibited except where age, sex, or physical requirements constitute a bona fide occupational requirement.

401.00 EXAMINATION MANAGEMENT OBJECTIVE.

It shall be the objective of the Commission to develop and administer examinations (selection processes), for each class of position, which conform as closely as possible to accepted test and measurement standards for validity and reliability. The Director shall, as necessary, establish policies or procedures, consistent with these Rules, which will contribute to this objective.

402.00 CALL FOR EXAMINATION.

Subject to the approval of the Commission, the Director shall call open or promotional examinations to fill vacancies in the classified service or to provide eligible lists for classes of positions where vacancies are likely to occur and shall prepare, announce and conduct same in the manner hereinafter provided.

403.00 CHARACTER AND PREPARATION OF EXAMINATION.

Examinations may consist of any one, or combinations of the following, as determined by the Director:

403.01 Written examination,

403.02 Performance examination,

403.03 Oral interview,

403.04 Physical ability,

403.05 Rating of education, training and
experience.

403.06 Assessment center.

403.07 Work sample exercises.

403.10 Examinations shall be practical in nature, and shall be related to such matter as will test fairly and practically, the ability of the applicant to fulfill the requirements of the position to which he seeks appointment, and such as will reveal his general background and related knowledge. No questions pertaining to religious or political opinions or affiliations shall be asked of any applicant.

- 403.20 Examinations shall be prepared under the direction of the Director, who may request or employ persons of recognized attainments, other personnel agencies, personnel consultants or experts, officers or employees of the County, or such other assistance as deemed necessary, to assist in the preparation, conduct or grading of such examinations.
- 404.00 NOTICE OF EXAMINATIONS.
Examination announcements shall be written or printed and shall contain:
- 404.01 The title, class and salary range for the classification to be filled;
- 404.02 The period during which applications for open examinations will be received and the final filing date;
- 404.03 The period during which candidates for promotional examinations will be received and final filing date;
- 404.04 The subjects of examination and their respective weights, and a statement of the scope of the job termed "duties";
- 404.05 Any special physical or medical requirements and examinations, where such requirements are included in the examination, and any special minimum qualifications of education, training or experience required of applicants;
- 404.06 Restrictions, if any, as to previous service, age, sex or residence and such other qualifications as may be required.
- 404.10 Except in cases of promotional examinations, notice of examination shall be given at least ten (10) calendar days prior to the closing date fixed for filing applications by posting copies of the announcement on a bulletin board designated by the Commission, and by publicly

announcing the same in such manner as will, in the judgment of the Director, attract qualified persons to compete therein. Copies of said announcements shall also be sent to the County departments, institutions and boards concerned. Examinations may be postponed or canceled by order of the Commission.

405.00 COMPETITION.

All open examinations for positions in the classified service of the County shall be public, competitive, and open to applicants who meet the requirements as provided by the Civil Service Ordinance and Rules of the Commission and who have not been debarred for cause in accordance with the provisions of said Rules.

405.10

When the Commission determines, upon recommendation of the Director, that there is a sufficient cause to limit the size of the applicant pool for a specific multi-component examination(s), it may take action, at a public meeting, to limit the number of applicants to such multi-component examination or any specific phase of the examination provided the procedures for such limitation are indicated on the examination announcements. However, in those instances where the Director determines in open recruitment that an oral interview only will best rate the relative qualifications of the applicants who meet the minimum qualifications announced in the job specification, the Director may, without the need for a public meeting, interview a limited number of applicants who appear to be the most qualified based on their education and experience as set forth in their applications. When an oral interview only is to be used and a limited number of applicants are to be interviewed, such action shall be indicated on the examination announcement.

405.20

Any applicants appearing late for a written examination shall not be admitted thereto after any candidate has completed his work and left the examination room.

405.30

The rules governing promotional examinations will be found in Rule 900.

406.00 EXAMINATION PROCEDURE.

Unless otherwise ordered by the Commission, all examinations shall be conducted under the supervision of the Director. The Commission may, when deemed advisable, appoint competent persons to conduct all or any part of an examination and to rate the persons participating therein.

- 406.10 Written examinations and examinations having writing requirements shall be so conducted that no examination paper will disclose the name or identity of any participant until after the examination papers of all participants have been marked and passing grades determined.
- 406.20 Each participant shall write his/her name and address and other such information as may be requested upon an identification form provided for that purpose and attach it securely to his/her examination papers when they are handed in.
- 406.30 Any examination paper bearing a name, number, sign, mark or character of any kind other than the official identification number stamped thereon, which might identify the identity of the participant, shall be rejected.
- 406.40 No explanation of any question shall be made to any individual competitor, and no remarks relating thereto which might assist in its solution shall be made by the examiner or proctors. Any explanation which may be deemed necessary shall be made to the entire group.
- 406.50 No conversation or communication between competitors during an examination shall be permitted, nor shall any competitor be permitted to retain in his or her possession any written or printed matter which might serve as an aid in the examination. Evidence of copying or collusion by a competitor shall constitute good cause for the rejection of his/her examination papers and debarment from future examinations. Copies of the questions in an examination shall not be made nor shall they be taken from the examination room.

407.00 RATING OF EXAMINATIONS.

The various subjects in an examination which are graded independently shall be assigned weights representing their relative values in ascertaining the fitness of the applicant. These weights shall represent the value of each subject in the whole examination. Unless otherwise provided in the announcement, applicants will be graded on a scale in which 100 percent represents the highest degree of competency which reasonably can be expected, and unless otherwise ordered by the Commission, an earned average of seventy (70) percent shall represent the lowest acceptable degree of competency. Final earned scores (a composite of all component scores) shall be rounded up to the next whole percentage point for all entry-level examinations (Veteran's Preference credits apply). Scores on promotional examinations shall be reported to two decimal places.

407.03 Notwithstanding the provisions of 407.00, the Director may report examinee scores for entry-level examinations to two decimal places when, in his judgment, the examination is sufficiently valid and reliable, and founded in job analysis.

407.10 A minimum grade in any specifically named subject, or component, below which any grade attained shall disqualify the applicant in the entire examination, may be established by announcing such required minimum grade in the examination notice.

407.20 In addition, any applicant who received the minimum acceptable grade on the various subjects of the examination, other than promotional, who qualifies as a veteran under provisions of part (h), Section VI of the Civil Service Ordinance and Rule 309.00 shall be given a preferential credit of five per cent of the total credits earned for such examination, which added to his/her actual rating shall constitute the total rating, and an additional credit of five per cent shall also be given to all such persons who, in line of duty of such service suffered permanent disability rendering them incapable of holding other employment.

407.30 Failure by an applicant to attain a passing grade in any component of an examination shall eliminate such applicant from competing in any further portion of the examination. Any

applicant so eliminated shall be notified immediately in writing.

407.40 The grade of an applicant in the Qualifications Appraisal procedure shall be the average of the ratings assigned by each individual rater.

407.41 If the applicant received a majority of passing ratings, the applicant will be considered to have passed in this part of the examination. However, his or her actual score for this part of the examination will be the average of the ratings given by each individual rater, and this score will be weighted in with other parts of the examination provided for in the examination announcements. In such case, it is possible for an applicant to pass this part of the examination, but receive a score of less than 70%.

407.42 Conversely, if an applicant receives a majority of failing ratings, he or she shall be considered to have failed in this part of the examination.

408.00 NOTICE OF RESULTS OF EXAMINATION.

As soon as the rating of an examination has been completed and the eligible list established, each applicant shall be notified by mail of the examination results and, if successful, of his or her final earned percentage and relative position upon the eligible list. The applicant may, in the office of the Commission and in person, request his or her earned score on each component of the examination.

409.00 INSPECTION AND REVIEW OF INDIVIDUAL APPLICATION MATERIALS AND TEST PAPERS.

The application and examination papers of a competitor shall be treated as confidential records of the Commission and shall not be removed from its office and shall be subject to inspection only by the competitor and only during the time and under the conditions set forth as follows:

409.01 Applicants may review their application materials during normal business hours by making an appointment at least twenty-four (24) hours in advance of the desired review date.

- 409.02 Applicants are permitted review of answer cards used in objectively graded written examinations to confirm that the answer card has been scored accurately. An examinee, within five (5) working days after test results have been mailed, may check his/her score card against a scoring key in the office of the Commission, and under the supervision of the Director. The examinee must bring any potential errors in scoring to the Director's attention within the review period in order for corrections to be made and credited.
- 409.03 Examination papers associated with performance tests which are objectively graded may be reviewed by the applicant to ensure they have been scored accurately. An examinee, within five (5) working days after the test results have been mailed, may check his/her examination papers against a scoring key in the office of the Commission, and under the supervision of the Director. The examinee must bring any errors in scoring to the attention of the Director within the review period in order for corrections to be made and credited.
- 409.04 Examination papers and components graded by subjective means shall not be available for examinee review. However, an examinee, within five (5) working days after the tests have been graded and mailed, may petition the Director to review and retabulate the scoring to confirm the accuracy of tabulation. The examinee shall be promptly notified of the results of this retabulation.
- 409.05 Applicants are permitted to challenge and appeal any item on a written examination. The appeal shall be prepared on the form prescribed by the Commission and submitted to the Director within three working days after the date of the examination. The applicant shall be as specific as possible in describing the reason for the challenge. Any appeal which fails to clearly set forth the reason or authority for the challenge will not be considered.
- 409.06 The Director shall investigate the appeal as promptly as possible. After considering all facts, the Director shall make the final ruling and thereafter the examination papers shall be scored according to the Director's decision. The results of the investigation and decision on the appeal shall be promptly provided to the applicant.

409.07 Examination booklets containing test items and examination requirements or instructions shall not be available for applicant review after the applicant has left the examination area.

410.00 SERIES EXAMINATIONS.

A series of open examinations for the same class of positions may be announced by a single notice. Such examination may be administered from time to time as applicants are available or as appointments are necessary. A separate eligible list shall be created for each examination of the series in which there are successful applicants, provided, however, the Director may prescribe in the examination announcement that the names of all applicants who qualify in any examination of the series shall be placed on the eligible list in the order of their final grades. Names shall be removed from such eligible list one year after the date they were placed thereon unless the Commission extends the period not more than one additional year.

411.00 APPEAL FROM QUALIFICATION APPRAISAL BOARD.

Within ten (10) days after the notice of the examination results has been mailed, a competitor disqualified by a Qualifications Appraisal Board may appeal in writing to the Commission only upon the grounds of irregularity, bias, or fraud, but no such appeal will be considered unless it contains specific allegations citing the exact cause therefor. The Commission shall rule upon such appeals, and, if it grants the appeal, it shall give the competitor a rating of 70 per cent on education, experience and personal qualifications, except that if the Commission finds that the Qualifications Appraisal Board acted fraudulently, it shall give the competitor such passing rating as it may decide.

412.00 APPEAL ON DISCRIMINATION.

Within five (5) working days after notice of disqualification an employee or person seeking appointment to the classified service may appeal in writing to Civil Service Commission upon the grounds of discrimination for political or religious affiliation because of race, national origin, sex, age, physical disability or other non-merit factor, but no such appeal will be considered unless it contains specific allegations together with documented evidence supporting the appellant's position. The Commission shall hear the appeal, consider the testimony and evidence from interested parties and render a decision.

501.00 ORDER OF ELIGIBLES.

Upon the completion of an examination, the Commission shall establish a list of eligibles for the class of position for which the examination was given, upon which shall be enrolled all successful competitors in the order of each competitor's final earned percentage (computed in accordance with Rule 407.00) in the examination. When two or more eligibles have the same percentage final earned score each eligible shall receive the same numerical ranking upon the eligible list with the added notation, "Tie Score". Numerical ranking shall be cumulative. The next ranking after a tie score shall be one number higher than the total of preceding eligibles on the list.

502.00 DURATION OF ELIGIBLE LISTS.

502.10 Eligible lists shall continue in force for a period of one year from date of promulgation unless abolished or extended by order of the Commission. In no event shall lists remain in force for less than six (6) months nor more than two (2) years. Notice of intention to abolish an eligible list shall be sent to all eligibles whose names appear upon the list to be abolished.

502.20 When ordered by the Commission, eligible lists resulting from continuous testing (Rule 410.00 ...Series Examinations) may be extended provided that each eligible on the list who has been on the list less than the maximum two years is extended an equal period and that no person is extended beyond the date which would give that person standing after the maximum of two years.

503.00 PROMULGATION OF ELIGIBLE LISTS.

503.10 Preparation of Eligible Lists: The Director shall prepare a statement of the results of each examination. This statement will show the names of applications rejected, names of candidates taking the examination, those failing to appear, those withdrawing, the percentage rating of each examinee in each portion of the examination, the total earned percentage score computed in accordance with Rule 407.00, of each examinee, and the relative order of ranking of each examinee, whose total score is seventy (70) percent or more.

- 503.20 Any individual who has successfully completed a work experience training program which has been approved by the Director shall have his/her name placed on the eligible list for the type of work for which the employee took special training and work experience. For the purpose of establishing eligibility, the special training and work experience shall be deemed as the examination for the class.
- 504.00 RE-EMPLOYMENT LISTS.
In addition to the general employment list, there shall be established for each class a re-employment list containing the names of individuals, (1) who have been laid off or demoted through no fault or delinquency on their part, (2) who have resigned in good standing and have been duly reinstated by the Commission, or (3) who have been found by the Retirement Board to be no longer incapacitated from earlier disability retirement and have been duly reinstated by the Commission.
- 504.10 Layoff: Any person having permanent status in the classified service who is laid off because of temporary or permanent abolishment of their position, provided their overall efficiency report has been satisfactory, shall have their name placed on the re-employment list for the class of position from which they were laid off.
- 504.20 Resignation and Subsequent Reinstatement on Re-Employment List: Any employee having permanent status in the classified service and who has resigned in good standing may make application for reinstatement within one (1) year after the date of resignation, and, if such request is granted, will be placed on the re-employment list for the class of position from which resigned. Such application must be made within one (1) year after the effective date of the resignation. It shall be referred to the appointing authority of the department from which the person resigned for recommendation. If the Commission grants re-employment privileges to such person, the person's name shall be placed on the appropriate re-employment list.

- 504.21 Notwithstanding any provisions to the contrary, the Commission may, at its discretion, waive the one (1) year time limit to make application for reinstatement if in its judgement unusual and unique circumstances existed which resulted in an employee's failing to file for reinstatement within one (1) year after the effective date of resignation.
- 504.22 A waiver of the one year time limit is automatically granted to any classified employee who resigns to accept a Confidential Assistant's position within the County. In such cases, the individual has one year from the date he/she leaves the Confidential Assistant position to exercise re-employment rights.
- 504.30 Disability Retirement and Subsequent Reinstatement on Re-Employment List: Any employee who has retired for disability, then subsequent to disability retirement has been found by the Retirement Board to be no longer incapacitated after medical examination pursuant to Government Code Sections 31729 and 31730 may make application for reinstatement within one (1) year after the date the non-incapacity is determined. Such application shall be referred for recommendation to the former appointing authority together with any reports from the Retirement Board which may be available. If the Commission grants re-employment privileges to such person, his name shall be placed on the re-employment list for the class of position from which he was disabled.
- 504.40 Order of Names: The names of persons laid off shall precede the names of persons granted reinstatement privileges after resignation or disability retirement. The names of persons granted reinstatement privileges after having been found by the Retirement Board to be no longer incapacitated from earlier disability retirement shall precede the names of persons granted reinstatement privileges after the resignation.
- 504.41 The names of persons laid off shall be placed on the appropriate re-employment list in order of seniority as determined by length of service.

- 504.42 The names of persons granted re-employment privileges after resignation or disability retirement shall be placed on the appropriate eligible list in the order of date of application for re-employment, the most recent application shall be last.
- 504.50 Duration of Re-Employment Rights: The name of any person granted re-employment privileges with the exception of a person laid off who shall have re-employment rights as specified in Rules 1380 and 1455 respectively, shall continue on the appropriate re-employment list for a period of one year after it is placed thereon, provided that such person may be continued on the list for an additional year if application for extension of eligibility is made before the expiration of the original period of eligibility. The name of any eligible on a re-employment list shall be automatically removed from said list at the expiration of the period of eligibility.
- 504.60 Removal of Names from Re-Employment Lists: The Commission may remove the names of any eligible from a re-employment list for any reason listed in these rules, or the name of any re-employment eligible may be removed from the list if five certifications of his/her name have failed to result in his or her selection and appointment.
- 505.00 PROMOTIONAL LISTS.
The names of competitors who are successful in promotional examinations as provided in Rule 900 shall be placed on the promotional eligible list for the class of position for which said examination is held, in the order of their examination ratings, and said list shall take precedence over the general re-employment list and the general eligible list.
- 506.00 SEASONAL LISTS.
Employees who have been regularly appointed to seasonal work, and have served satisfactorily in a position recurring seasonally in a given department, and who have been recommended by the appointing authority for inclusion on such list, shall be placed upon seasonal lists for work. Said names shall be placed on said list in the relative order of the original examination ratings of the eligibles. In filling a seasonal position in a given department, persons whose names appear on this list for that department shall be preferred to those on the general eligible list.

507.00 INACTIVE LIST.

The name of an eligible who is not available for immediate certification may, upon written request, be placed on an inactive list and may be restored to the active list from which removed upon request of such eligible provided said list is still in existence.

508.00 SUBDIVISION OF LISTS.

When duties of the positions or efficiency of recruiting require, eligible lists may be subdivided or separate eligible lists established for the various departments, subdivisions of departments, institutions or sections of the County. All such separations or subdivisions shall be by order of the Director and shall be in the public notice of the examination or by order of the Commission recorded in the Minutes of the Meeting.

509.00 REMOVAL OF NAMES FROM ELIGIBLE LIST.

The name of an eligible may be removed from an eligible list:

- 509.01 For any cause as set forth in Rule 306.00;
- 509.02 On evidence that the eligible cannot be located by the postal authorities;
- 509.03 On receipt of a statement from the eligible declining an appointment and stating that he no longer desires consideration for a position with the County;
- 509.04 If three (3) offers of a permanent appointment to the class for which the eligible list was established have been declined by the eligible;
- 509.05 For failure to respond within stipulated time after notice of certification, without suitable explanation;
- 509.06 If certified three (3) times for permanent appointment which has failed to result in selection and appointments in each case made below the eligible's name, provided, however, that the appointing authority states in writing to the Commission the reason for the recommendation and further that the Commission concurs with such recommendation.

- 509.07 If five (5) certifications for permanent appointment from an employment list in the clerical series, including certifications to three (3) different departments, have failed to result in selection and appointment.
- 509.10 The name of an eligible on the promotional list shall be considered to be on an open eligible list instead of a promotional list if such eligible is separated from the classified service. Unless such separation is by lay-off, due to lack of work or funds, re-employment in the classified service shall not restore the name of eligible to the promotional list.
- 509.20 If an employee whose name is on a seasonal list fails to work for two seasons, his/her name shall be removed from the list and he/she shall have no further standing in such class of position. Notice of removal and the reasons therefor shall be mailed to the eligible at his/her last known mailing address.
- 509.30 Any person who fails, or fails to appear for without good cause, a test subsequent to the eligible list being promulgated shall be removed from the eligible list, provided such test was included in the examination process announced on the appropriate job bulletin.

601.00 REQUEST FOR CERTIFICATION.

Whenever any appointing authority learns that a vacancy in the classified service has occurred or is about to occur in the department, he/she may notify and make requisition to the Commission for certification of eligibles for the vacant position. Such requisition shall be upon the form prescribed by the Commission and shall state the department, board, or institution in which the vacancy exists and shall specify the class title, schedule and item numbers, date when employment will begin, duration of employment, and may, subject to the approval of the Director, specify special qualifications of the eligibles when a bona fide occupational need exists.

601.10 The appointing authority shall make a request for certification as long in advance of the known or prospective date of appointment as possible.

601.20 A provisional appointment in a position in the classified service shall be deemed to be a continuing request for certification of eligibles for permanent appointment, and, immediately following establishment of an appropriate eligible list, the Director shall certify eligibles to such position without further request from the appointing authority.

602.00 CERTIFICATION OF NAMES.

Upon receipt of an appointing authority's request for certification, or, as soon as practicable thereafter, the Director shall certify to the appointing authority the names and addresses of the persons entitled to certification in accordance with these rules and provisions contained therein.

602.10 Order of Certification of Lists

602.11 First: The names of the three (3) persons standing highest on the re-employment list for the class of position, who have previously been employed in the department making the request;

602.12 Second: If no one on the re-employment list has previously been employed in the department in the class, then the names of

three (3) persons standing highest on the promotional list for the class of position, who are presently employed in the department making the request shall be certified, and, if no one on this list has been employed, then the names of the three (3) employees standing highest on the general promotional list shall be certified.

602.13 Third: If no one as specified in the foregoing paragraphs is available, then the names of the three highest persons on the general re-employment list for the class of position shall be certified.

602.14 Fourth: If no one is available as above specified, then the names of the three (3) persons standing highest on the general eligible list shall be certified.

602.20 Number to be Certified:
Except as otherwise provided by these rules, a minimum of three (3) names shall be certified for each request for certification. In the event that tie scores, as defined in Rule 500.00 of these rules and regulations, exist within the highest three (3) persons on the eligible list all persons with the same tie score shall be certified to the vacancy. The certifications shall designate which eligibles, if any, have tie scores and the appointing authority may select any of the eligibles so certified to fill the vacancy.

602.21 In case more than one position is to be filled in any class in a department at the same time the number of names certified shall be equal to the number of positions to be filled plus two, or more if tie scores are involved. Such certification shall constitute a complete certification.

602.22 The appointing authority shall fill the first vacancy by selection of one of the three, or more if tie scores are involved, highest eligibles so certified. The second, and any succeeding vacancy, shall be filled in a like manner by selection in turn, from the three (3) or more if tie scores are involved, highest remaining names.

- 602.23 Whenever an eligible waives an appointment or fails to respond to certification within the prescribed time, the next highest eligible or eligibles on the list shall be certified if requested by the appointing authority and if needed to constitute a certification of at least the minimum number of names for consideration to fill the vacancy.
- 602.24 In case there are less than three (3) names on an eligible list, the number thereon shall be certified for appointment, but the appointing authority may demand certification of three (3) names, whereupon examinations shall be conducted until at least three (3) names can be certified.
- 602.25 When no eligible list for the class of position exists, or when the eligible list has become exhausted, and until a new list can be created, certification may be made from the eligible list most nearly appropriate to the position to be filled.
- 602.26 At the option and request of the appointing authority when no eligible list for the class of position exists, certification of eligibles may be made from an expired eligible list for the class of position in which the vacancy exists provided one (1) year has not elapsed since the list has expired.
- 602.30 Promotional Certification:
An eligible with permanent status in the classified service who has been placed on an existing open list may be certified to the department in which he or she is currently employed. For this to occur there must be no promotional list for the same classification and the department must make written request that a similar position be filled promotionally. Names are certified in such manner as if they were on a promotional list for the classification to be filled.

603.00 CERTIFICATION OF ELIGIBLES WITH SPECIAL QUALIFICATIONS.

In case a position to be filled requires a person of a particular sex or with residence in a certain locality, or with willingness and ability to work certain unusual hours, or with some other special qualifications, and upon written request of the appointing authority, the Director may authorize the certification of only such eligibles who possess such qualifications.

603.10 The Director may, at the request of the appointing authority, certify only those eligibles who have successfully completed an approved work experience training program which has been approved by the Director.

604.00 AUTHORIZATION FOR PROVISIONAL APPOINTMENT.

When an appointing authority makes a request for certification to fill a position in the class for which no eligible list is available or in case no eligible or insufficient eligibles to complete the certification will accept appointment to the position, the Director may authorize the appointing authority to appoint any person who possesses the minimum qualifications for the class as set forth in the class specifications, provided that said person files with the Commission on the prescribed form, an application showing the minimum requirements have been satisfied for the class of position for which provisional appointment is requested.

604.10 Whenever the Director has authorized a provisional appointment, he shall, within six (6) months from the date of such appointment, schedule an examination to establish an eligible list for the class of position for which the provisional appointment was authorized.

605.00 NOTICE OF CERTIFICATION.

Notice of Certification shall be given by the Director to each person whose name is certified, by mailing to his/her address as it appears on the records of the Commission, a written notice setting forth the title, entrance salary, compensation schedule applying to the class, location of the position, the organization unit and the name and address of the appointing authority. Such notice shall state that

unless the eligible reports to the appointing authority for an interview within three (3) days after receipt of such notice, he or she will be considered as having declined the position, and that unless the Director is notified within such period that appointment is not desired giving satisfactory reasons therefor, his or her name may be removed from the eligible list.

606.00 CERTIFICATION TO POSITION OF LOWER CLASS.

Whenever a request for certification is made to fill a position in a class for which there is no eligible list, an eligible may be certified to a position in a class lower than that for which examined, provided such position is determined by the Director to have similar duties and responsibilities. The acceptance of such a position shall not affect his right to be certified to a position in the class for which originally examined.

607.00 WAIVER.

An eligible may waive appointment after certification, by filing with the Commission a written statement of reasons therefor, which reasons must be satisfactory to the Director. But after three (3) such waivers of appointment to positions in any given class, the eligible's name shall be removed from the eligible list for that class. The eligible's name may also be removed from the active eligible list and placed on the inactive eligible list when the reasons for waiving appointment are not satisfactory to the Director.

608.00 OBJECTION AND SUBSTITUTION.

In case objection is made by the appointing authority to any of the persons certified, reasons must be stated specifically in writing and subject to the approval of the Commission. Any cause contained in Rule 306.00 shall be deemed sufficient reason for objection, but the Commission may approve objection for good cause shown.

608.10 If the objection is sustained by the Commission, the next highest name on the eligible list shall be certified and notice of withdrawal of certification shall be sent to the person against whom the objection was sustained.

609.00 APPOINTMENTS.

- 609.10 Upon receipt of certification of eligibles, the appointing authority shall proceed with any job related interview and investigation deemed necessary. The appointing authority shall be permitted to examine applications and pertinent job related investigations of the eligibles certified. Upon selection, the appointing authority shall notify all eligibles of the decision and shall make arrangements with the appointee to begin work.
- 609.20 No eligible certified for employment or employee shall in any way be favored or discriminated against because of political opinion or affiliations, nor shall any inquiry be made concerning such opinions or affiliations and all voluntary disclosures thereof shall be ignored.
- 609.30 No person in the classified service or seeking admission thereto shall be appointed, reduced or removed, or in any way favored or discriminated against because of his religion, creed, national origin, ancestry, sex or age, except where sex or age is a valid occupational qualification.
- 609.40 No appointment will be deemed complete until all eligibles certified are interviewed and their relative qualifications considered.
- 609.50 Whenever an employee is certified to a position in a higher classification in another department or whenever the Director has approved a transfer of an employee from one department to another department and it is the desire of the appointing authority to have the incumbent employee, prior to terminating from such position, train the certified or transferred employee for a period not to exceed thirty (30) days, such employee shall continue to receive credit for vacation, sick leave and all other benefits and service shall be considered as continuous.

610.00 APPOINTMENT ON AUTHORIZATION FOR PROVISIONAL APPOINTMENT.

Whenever the Director has authorized a provisional appointment to a position as provided in 603.00 of these Rules, the appointing authority may select any person who meets the minimum qualifications for the class, provided that in such case such person has not previously been qualified, the appointing authority shall ascertain that the person has filed an application in the office of the Commission and possesses the required qualifications.

611.00 APPOINTMENTS IN EMERGENCIES OR ELECTIONS ADMINISTERED BY THE COUNTY CLERK.

In emergency situations, which are hereby defined as situations where there is a threatened interruption of essential county services and immediate action is necessary, or when elections are administered by the County Clerk, the appointing authority may appoint a person or persons without reference to eligible lists for a period not to exceed fifteen (15) calendar days, provided that each such appointment shall be reported in writing to the Commission stating specifically the situation that exists.

612.00 PERMANENT APPOINTMENTS.

Any appointment to a permanent position in the classified service, other than a temporary appointment resulting from an authorized leave of absence without pay, upon certification from an eligible list shall be a permanent appointment subject to a probation period as provided in these rules.

613.00 TEMPORARY APPOINTMENTS.

Any appointment to a permanent position in the classified service which results from the permanent employee's being on an authorized leave of absence without pay, upon certification from an eligible list shall be a temporary appointment.

613.10 The acceptance or refusal to accept a temporary appointment shall not be a bar to a permanent appointment.

614.00 PROVISIONAL APPOINTMENT.

Any appointment to a permanent position in the classified service of a person in the absence of an

appropriate eligible list, upon an authorization to make a provisional appointment, shall be a provisional appointment.

- 614.10 Maximum Duration: In no case shall a permanent position be filled by a provisional appointment for a period longer than one (1) calendar year or thirty (30) calendar days after certification of eligibles, whichever comes first.
- 614.20 Termination After Certification: A provisional appointment to a permanent position shall be terminated within thirty (30) calendar days after the date of certification by the Commission of eligibles from an appropriate eligible list.
- 614.30 Provisional Promotion of a Permanent Employee: The acceptance by an employee who has permanent status in a position in the classified service, of a provisional appointment to another position having a higher salary allocation, shall not jeopardize status in the position from which promoted.
- 615.00 LIMITED TERM APPOINTMENT.
Any appointment on extra help to a limited term position which shall not exceed nine (9) calendar months, whether upon certification from an eligible list or upon authorization to appoint any person who meets the minimum qualifications of the class, shall be a limited term appointment.
- 615.10 There shall be no such reappointment within the same department for sixty (60) days following termination. The acceptance or refusal to accept appointment to a limited term appointment position on the part of an eligible shall in no way interfere with his right to certification to a permanent position in the classified service.
- 616.00 REPORTS OF APPOINTMENTS.
All appointments to positions in the classified service, whether permanent, provisional, limited term, temporary, or emergency shall be promptly reported by

the appointing authority to the Commission on forms prescribed by the Commission and signed by the appointing authority.

- 617.00 STATUS OF PRESENT COUNTY EMPLOYEES ON PROBATION.
Subject to the right of the head of the department to reject any eligible list which was prepared prior to the effective date of the adoption of the Civil Service Ordinance, all persons who qualified and were selected from eligible lists established prior to said Civil Service Ordinance and who did not acquire permanent status shall be eligible for the position in which they were employed on the effective date of said Ordinance and shall be given credit for the probationary period, with the approval of the department head.
- 618.00 CANCELLATION OF REQUISITION
The appointing authority may request cancellation of a requisition providing, however, that the reasons for the request are stated in writing and satisfactory to the Director. The requisition shall be canceled and any eligibles certified shall be notified in writing.

701.00 PURPOSE OF PROBATION.

The probation period shall be the final phase of the examination or transfer process and shall be used by the appointing authority for the effective adjustment of the new or transferred employee, and for the elimination of any probationary employee whose work does not meet the required standards of performance.

702.00 DURATION AND STATUS OF PROBATION.

All appointments from officially promulgated eligible lists for original entrance or promotion or approved transfers shall be subject to a probationary period of six (6) months.

702.10 Notwithstanding any other provisions to the contrary, the probationary period for entry level Deputy Sheriff, Fire Fighter and Park Ranger shall be twelve (12) months.

702.20 Time included: The probationary period shall date from the time of appointment to a permanent position after certification from an eligible list or from the effective date of transfer to a new position in a different department.

702.21 It shall not include time served as a provisional, temporary or emergency appointee.

702.22 The probationary period shall be extended by one (1) day for each day a probationer is absent due to an approved leave without pay.

703.00 CONDITIONS PRELIMINARY TO PERMANENT APPOINTMENT.

The permanent appointment of a probationary employee shall begin on the day following the end of the probationary period.

703.10 The appointing authority shall file with the Commission a performance evaluation report showing that the services of the employee during the probationary period have been satisfactory and that the employee is recommended for permanent appointment.

703.20 The appointing authority shall return said performance evaluation report to the office of the Commission at least two (2) weeks prior to the end of the probationary period. Failure or refusal by the appointing authority to return said performance evaluation report prior to the completion of the probationary period shall not negate permanent appointment nor extend the probationary period.

- 703.30 In the absence of a performance evaluation report recommending permanent status, the Director shall confirm permanent appointment on the day following completion of the probationary period and shall immediately make such investigation as he deems necessary to determine the reason for the appointing authority's failure or refusal to file said performance evaluation report. Willful refusal or failure to file such report by the appointing authority shall be reported to the Civil Service Commission at its next regular meeting.
- 704.00 SEPARATION OF PROBATIONER.
A probationary employee may be separated from the service at any time during the probationary period without right of appeal or hearing. In case of such separation, the appointing authority shall submit in writing to the commission, a statement of the reasons for such dismissal.
- 704.10 Restoration of Promotional Probationer: Notwithstanding any other provisions of this Rule, an employee rejected during his or her probationary period from a position in the classified service to which he/she had been promoted shall be restored to the position from which he or she was promoted.
- 704.20 Termination of Transferred Probationer: Notwithstanding any other provisions of this rule, a transferred employee rejected during the probationary period from a position in the classified service shall have the right to revert to his/her former position. The Commission shall have final authority in determining whether the employee shall revert to his or her former position.
- 704.30 Rejected Probationary Employee: If a rejected probationary employee feels that the termination by the appointing authority is based upon discrimination for political or religious affiliation or because of race, national origin, sex, age, physical disability, color, medical condition, marital status, ancestry, or union

activity, the employee shall have the right to appeal the decision in accordance with Rule 1800, provided the employee appeals the decision to the Director of Personnel within five (5) working days of the date of termination. The Director of Personnel shall transmit the appeal to the Affirmative Action Division for processing under Rule 1800.

- 801.00 The appointing authority shall make or cause to be made, on forms prescribed for that purpose by the Director, reports on the individual efficiency, productivity, and performance of all employees holding permanent full time and permanent part-time positions in the classified service of the County, as established by the Salary Ordinance. Normally, employee performance reports are filed on all employees annually, or at other times as required.
- 801.10 All such reports shall be prepared to cover such periods of time as may be designated by the Director and shall be filed in the office of the Commission not later than forty-five (45) days after the close of such period. Such reports shall be prepared by the appointing authority, or by such other officer or employee as designated by the appointing authority.
- 802.00 The appointing authority may cause a special evaluation report to be prepared and filed at any time.
- 803.00 The Director shall ascertain that performance evaluation reports are prepared in accordance with procedures prescribed by the Commission and shall post the original to the employee's official personnel file.
- 804.00 Performance evaluation ratings on employees may be used in promotional examinations, in determining order of layoff and reinstatement, and for consideration in recommendations relating to transfer, demotion or removal of an employee.
- 805.00 Evaluation ratings shall be confidential except that employees may, upon application at the office of the Commission, ascertain their own rating.
- 806.00 Employees shall be called by their immediate supervisor to discuss his/her evaluation report. During said meeting, the employee will be requested to sign the evaluation report. Signing of the report by the employee does not indicate the employee agrees with the content, but that the employee has had the opportunity to discuss the report with his/her immediate supervisor.

901.00 PROMOTION BASED ON EXAMINATION.

901.10 Promotion in the classified service shall be based on competitive examination and shall include an appraisal of the qualifications of employees as shown by their performance evaluation reports.

901.20 Candidates who attain the required standard in a promotional examination shall have their names placed on an eligible list and appointments made therefrom shall be made in the same manner as original appointments. Whenever practicable, vacancies shall be filled by promotion.

901.30 The rules governing promotional examinations shall be the same as those governing original entrance examinations except as herein provided.

902.00 TYPES OF PROMOTIONAL EXAMINATIONS.

Examinations for the creation of eligible lists for promotional positions in the classified service shall be ordered as often as may be necessary to meet or anticipate the needs for such lists. Such examinations shall be known as:

902.10 Departmental Promotional: Limited to eligible employees in the department in which the promotional position exists.

902.20 Interdepartmental Promotional: Open to eligible employees in the classified service.

903.00 ELIGIBILITY FOR PROMOTIONAL EXAMINATIONS.

In order to qualify for promotional standing in any examination called on a promotional basis, a person must have permanent status in a class of the classified service allocated to a lower schedule of the basic salary plan than is the class to which promotion is sought, and must possess at least an overall standard rating on his or her most recent performance evaluation report. In addition, the person must possess the minimum qualifications of the class.

903.10 Applicants will be admitted to promotional examinations only if the requirements enumerated in 903.00 are met on or before the final date for filing applications for the promotional examinations.

903.20 In case a person who has qualified on a promotional eligible list is separated from the

classified service, except by layoff, their name shall be removed from the promotional list. If the separation has been through resignation in good standing, their name shall be placed on the open list for the class in the position in which their score would have entitled them, upon the employee's request.

903.30 Notwithstanding any provisions to the contrary, employees who are filling positions temporarily as a result of a military leave of absence, may compete, upon recommendation of the appointing authority, on promotional examinations provided they meet the minimum qualifications and have served in the temporary position at least six (6) months with at least an overall satisfactory evaluation report.

904.00 PROMOTION FROM ENTRANCE LEVEL CLASSIFICATIONS WHERE FLEXIBLE POSITION ALLOCATIONS EXIST.

Wherever in the classified service there exists a series of classifications wherein the number of positions allocated to the series of classifications may be interchanged among levels, and the first level is considered the entrance or trainee level, the department head in whose department the series exists may recommend the promotion of an employee, without further tests, to the next higher level above the level entered when the employee meets the minimum qualifications for the higher level. At the time of the promotion, the department head shall certify that the employee has been satisfactory in all respects on the job and that promotion to the next higher level of classification is recommended.

904.10 Employees must pass an additional probationary period for each subsequent promotion in a flexible series.

1001.00 TRANSFER DEFINED.

A transfer is a personnel transaction which involves the change of an employee who has permanent status in the classified service to another position in the same class in a different department provided, however, that the Director may authorize a transfer between positions not in the same class, but in the same salary allocations where the two classes have similar minimum qualifications.

1001.10 An appointing authority may reassign an employee at any time, without the approval of the Director, from one position to another position in the same class and in the same department. Such action is not considered a transfer for the purpose of this rule.

1002.00 REQUIREMENTS FOR TRANSFER.

The following conditions are required in order to qualify for transfer:

1002.10 The position shall be in the same class, or if in different classes, shall have been determined by the Director to be appropriate for transfer on the basis of minimum qualification and qualifying procedure.

1002.20 The employee shall have permanent status in the classified service.

1002.30 The appointing authorities in the transaction shall indicate their agreement to the transfer by signature on the Employee Transfer Request form.

1002.40 The employee concerned shall have indicated his/her agreement to the transfer by signature on the Employee Transfer Request form.

1002.50 The Director shall have approved the out-of-department transfer.

1003.00 APPLICATION FOR TRANSFER.

Any employee or appointing authority who desires to initiate a transfer shall complete the Employee Transfer Request form. Upon completion of the form, the appointing authorities in the transaction shall indicate their approval of the transfer by signing the form in the appropriate place. The signed form shall then be forwarded to the Director for approval.

1004.00 TRANSFER OF ELECTED OFFICIAL.

Notwithstanding Sections 1001.00 and 1002.20, when the office of an elected official is eliminated either by action of the State Legislature or the

County Board of Supervisors, the incumbent shall have the right to transfer to a permanent County position providing he/she meets the minimum qualifications of the position to which he/she transfers.

1005.00 All employees transferred between two departments shall be subject to a probationary period as defined in Rule 700.

1101.00 Vacations shall be allowed to such employees for such periods and under such conditions as shall be provided for in the ordinances of the County and shall be taken at such time as shall be agreeable with the appointing authority.

1101.10 Reporting Vacations.
The appointing authority shall report to the Commission, on the forms prescribed for the purpose, the dates each employee in his department has taken vacation.

1201.00 GENERAL PROVISIONS

- 1201.10 Leaves of Absence without pay of fifteen (15) days or less:
Any employee who occupies a regular classified position may be granted a leave of absence without pay, provided the employee makes a written request upon the prescribed form and the request is approved by the appointing authority.
- 1201.20 Leave of Absence without pay of sixteen (16) days or more: Any employee who occupies a regular classified position may be granted a leave of absence without pay, under conditions listed in this rule, for reasons listed in 1201.30 below, provided the employee makes a written request upon the prescribed form, receives the recommendation of the appointing authority and the request is approved by the Director.
- 1201.30 A leave without pay may be granted for any of the following reasons:
- 1201.31 Illness or non-job connected disability up to six (6) months, subject to the employee using all sick leave, vacation leave, holiday time and CTO to his/her credit prior to the effective date of the leave of absence and further, the employee passing a physical examination prior to returning to duty.
- 1201.32 Pregnancy - up to four (4) months. - Requires a doctor's statement to support length of leave; child rearing is not allowed under pregnancy leave.
- 1201.33 Educational - as provided for in Section 1207.00 of this rule.
- 1201.34 Personal Necessity Leave - as provided for in Section 1208.00 of this rule.
- 1201.35 Purpose of seeking election to public office.
- 1201.36 Military Leave - as provided for in Section 1206.00 of this Rule.
- 1202.00 REQUEST FOR LEAVE.
Requests for leave without pay shall be made upon the forms prescribed by the Commission, and shall state specifically the reason for the request, the

date when it is desired to begin the leave, and the specific date of return. The request shall be handed to the appointing authority for written recommendation that it be granted, modified or denied, and shall be promptly transmitted to the office of the Commission. If the department head recommends denial, the reasons therefor shall be communicated to the Director in writing.

1203.00 DURATION/EXTENSION OF LEAVES WITHOUT PAY.

Leaves without pay may be approved for the maximum period of time as specified in these Rules based upon the reason for the request. If the original leave of absence is not for the maximum duration allowed, and the employee desires an extension of the original leave of absence, the employee must request said extension on the leave of absence form and return the completed form to the appointing authority ten (10) days prior to the expiration of the original leave. The Director may extend such leaves only to the maximum time periods specified herein.

1204.00 RETURN BEFORE EXPIRATION.

Whenever an employee who has been granted a leave without pay desires to return before expiration of such leave, the employee shall so notify the appointing authority in writing at least five (5) calendar days in advance of the return. The Director shall be notified promptly of the employee's return.

1205.00 LEAVE FOR COMPENSABLE DISABILITY.

Notwithstanding any other provision of this section, any employee who has permanent status under the Civil Service Ordinance, and who as a result of a job-related injury or illness, is eligible for temporary disability compensation, shall have an automatic leave of absence from his/her position until such time as the temporary disability compensation ceases or the employee has been released to return to work by a doctor authorized by the Insurance and Claims Division of the County Administrative Office or a County doctor, or retires from County service. It is the option of an employee under County Ordinance Section 1027 to utilize accumulative sick leave during the period of temporary disability, if sick leave is utilized, such sick leave shall be restored at the rate of three (3) full days for each full week of temporary disability.

1205.20 Employees who are on a compensable disability leave of absence shall submit a statement as to their condition from their doctor, to the

Insurance and Claims Division of the County Administrative Office, once a month as long as they remain on such leave of absence.

1205.30

Any employee who was granted a service-connected disability retirement, and who later is determined by the Retirement Board to be no longer incapacitated and desires to return to active County employment, and if re-employed, such employee shall be deemed to have been on an approved leave of absence without pay for the period of time he/she received said service-connected disability.

1206.00

MILITARY LEAVE.

Any permanent full-time or permanent part-time employee in the classified service who volunteers for, or is required to serve as a member of any branch of the armed forces, may be granted a military leave of absence for a period of one enlistment, not to exceed four (4) years' duration, provided a copy of the military orders accompany the request for military leave of absence.

1206.10

Upon termination of said approved military leave of absence, an employee shall be entitled to return to his/her position in the classified service without loss of standing of any kind, provided:

1206.11

The employee requests a return to his/her position within ninety (90) days from the cessation of active duty; and

1206.12

The position still exists and the employee is otherwise qualified for the position.

1207.00

EDUCATIONAL LEAVE WITHOUT PAY.

Any permanent full-time or permanent part-time employee in the classified service may be granted, upon proper written request and approval of the appointing authority, a leave of absence without pay not to exceed one (1) year for job-related educational purposes. The job-related educational leave may be extended, upon the proper written request and approval, one (1) additional year.

1207.10

An employee granted an educational leave of absence without pay shall retain the right to be appointed to the first vacant position available in the class of positions which he/she had previously occupied prior to the leave of absence.

1207.20

As a condition of such a leave being granted, the employee must:

- 1207.21 Actively, continuously and successfully pursue a job-related educational goal.
- 1207.22 Verify, upon return from leave of absence, that he/she actively, continuously and successfully pursued a job-related educational goal.
- 1207.23 Use all vacation leave, holiday time and CTO to his/her credit prior to the effective date of the leave of absence.
- 1207.30 If the employee fails to actively, continuously and successfully pursue a job-related educational goal, the leave of absence shall be immediately cancelled, and the employee will lose the right to return to a position within the classified service.
- 1207.40 The employee's right to return to the first vacant position, in the class of position held prior to the leave of absence, provided the employee has met the conditions listed above, shall exist for a period of one (1) year from the expiration of the leave of absence.
- 1207.50 Upon return from such leave of absence to a position within the classified service, an employee shall be entitled to, and have reinstated to his credit, all sick leave accumulated by him at the time of the granting of the leave of absence. The employee shall also retain the vacation accrual rate enjoyed prior to the leave of absence. The employee shall also have his seniority date restored, minus the length of time he was on the leave of absence.

1208.00 PERSONAL NECESSITY LEAVE.

Any permanent full-time or permanent part-time employee in the classified service may be granted, upon proper written request and approval of the appointing authority and Director, a leave of absence without pay not to exceed three (3) months for personal reasons.

Approval of such leave without pay under this section shall be based on findings that:

- 1208.10 The situation or condition necessitating leave is remedial within the period requested.
- 1208.20 The situation or condition necessitating leave is not remedial by other means.

- 1208.30 Refusal to authorize leave will result in personal hardship or suffering for the employee or the employee's immediate family.
- 1208.40 The employee's absence will not substantially interfere with the business of the affected department.
- 1208.50 Use all vacation leave, holiday time and CTC to his/her credit prior to the effective date of the leave of absence.
- 1209.00 LEAVES OF ABSENCE FOR PROBATIONARY EMPLOYEES.
Notwithstanding any other provisions of this rule, leaves of absence for probationary employees shall be administered according to the following:
- 1209.10 Non-promotional probationary employees shall be entitled to a leave of absence without pay for the purpose of illness or non-job connected disability (Rule 1210.31). Such leave shall be limited to a maximum of forty-five (45) calendar days and an extension shall not be granted except under extraordinary circumstances and then only upon proper medical authentication that the employee would be expected to be fully recovered from the illness or disability and capable of returning to work not later than the last day of the extended period. An extension, if approved, shall not exceed fifteen (15) calendar days and only one such extension shall be allowed.
- 1209.20 Non-promotional probationary employees may also be granted a leave of absence under Rule 1201.32, Pregnancy.
- 1209.30 Probationary employees shall not be granted a leave of absence without pay for personal, or educational reasons, nor for any reason other than specified in Rules 1209.10 and 1209.20.
- 1210.00 VACATION OR SICK LEAVE ACCRUALS WHILE ON LEAVE.
No employee who has been granted a leave without pay for any reason shall accrue vacation or sick leave during the time of such leave.
- 1211.00 RECORDS OF LEAVES.
Records of leaves without pay, military leaves, sick leave and vacation accruals, deductions and balances shall be maintained in the office of the Commission. The Director shall furnish the appointing authority any information from such records as may be requested.

- 1300.00 Whenever it becomes necessary, as determined by the Board of Supervisors, to reduce the number of authorized budgeted positions, the following rules and regulations relative to layoff procedures shall apply to General Member employees.
- 1310.00 DEFINITIONS.
- 1310.10 Department Layoff Re-employment List: A list containing names of qualified permanent employees by total county seniority displaced from a position within a department as a result of a reduction of operations or personnel. Placement on such list grants specific rights to displaced employees for return to a similar position within the classification and department should vacancies occur after such displacement.
- 1310.20 Displace: An action caused by a reduction of authorized, budgeted positions wherein an employee is demoted or laid off.
- 1310.30 County Layoff Re-employment List: Qualified permanent employees who are laid off may have their names placed on this list for the classifications in which they previously held permanent status. This list will be used to fill vacant positions after exhausting the Department Layoff Re-employment List and prior to the use of other employment lists.
- 1310.40 Flexible Staffing Allocation: Flexible Positions shall be considered as one classification.
- 1310.50 Non-Qualified Permanent Employee: An employee with permanent civil service status whose overall performance evaluation rating is below a "Standard" rating for the last two annual rating periods.
- 1310.60 Recalled Employee: An employee who returns to a similar position within the classification from which displaced.
- 1310.70 Qualified Permanent Employee: An employee with permanent civil service status whose overall performance evaluation is "Standard" or higher.
- 1310.80 Seniority: The length of total continuous, unbroken time worked in county service in a regular budgeted permanent position (extra

help and all 8900 budget series CETA time excluded). Approved leaves of absence without pay maintain the continuity of employment, but the duration of the leave is deducted from the total continuous time period. Should two or more employees have identical seniority dates, the order of displacement will be determined by the employee's length of continuous service in the classification affected. The employee with the least amount of continuous service in the affected classification will be displaced first. Should two or more employees have identical continuous service in the affected classification, displacement will be in inverse order of the employee's final position on the eligibility list.

1320.00 ORDER OF LAYOFF.

1320.10 Notwithstanding any provision to the contrary, the order of layoff within the department affected by reduction of personnel shall be:

1320.11 By classifications affected in the department:

1320.11 .1 Non-permanent employees:

1320.11 .11 Extra help employees,

1320.11 .12 Temporary employees,

1320.11 .13 Provisional employees,

1320.11 .14 Probationary employees.

1320.11 .2 Non-qualified permanent employees.

1320.11 .3 Permanent employees.

1320.20 Within departments affected by employee displacement, those CETA employees occupying positions classified the same as or substantially equivalent to affected regular positions shall be first laid off.

1320.30 A qualified permanent employee who has been promoted or transferred and whose status is probationary or temporary shall, for the purpose of these layoff rules, be defined as a permanent employee of the department in which the currently-held position is allocated.

1330.00 METHOD OF SELECTION OF EMPLOYEES TO BE LAID OFF.

- 1330.10 Upon notification of the necessity to reduce the number of employees in a department, the department head concerned shall determine the number and classifications of employees to be laid off. The department head shall notify the Director of Personnel in writing of the classifications and number of employees to be laid off. Upon receipt of such notice, the Director of Personnel shall give the department head the names of those employees who are least senior in total county seniority for the classifications affected.
- 1330.20 Qualified permanent employees so affected by the layoff procedures shall be displaced in inverse order of total county seniority.
- 1330.30 A qualified permanent employee who receives a notice of layoff may displace a less senior employee in a lower classification within the department, provided that the employee held a position within the lower classification in the department, or the department head agrees that the lower level position is sufficiently similar to the higher level position, and that the more senior employee possesses the necessary skills and abilities to perform adequately the duties of the lower level position; provided further, where the lower classification is a supervisory position, the more senior employee must be in a supervisory position prior to displacement to the lower level, or must have held such supervisory position in order to displace the less senior supervisory employee.
- 1330.31 The salary level of an employee displaced to a lower level shall be as provided by the Ordinance Code. An employee displaced to a lower classification shall not be required to serve a probationary period.
- 1340.00 NOTICE OF LAYOFF.
- 1340.10 It shall be the department head's responsibility to notify all affected employees at least fifteen (15) calendar days prior to the effective day of the layoff.
- 1340.20 The notice of layoff to affected employees shall include:

- 1340.21 The reason for layoff.
- 1340.22 The effective date of layoff.
- 1340.23 The requirements governing retention of their names on the Department Layoff Re-employment List and County Layoff Re-employment List.
- 1340.24 Procedures for employee appeal to layoff action if the employee charges violation of the layoff procedures.
- 1340.25 List of benefits which will cease as a result of layoff and available options for employees.
- 1350.00 PLACEMENT OF NAMES ON REEMPLOYMENT LISTS.
- 1350.10 Department Layoff Re-employment List: The name of every qualified permanent employee occupying a position on permanent or probationary status, who is displaced as a result of reduction of authorized positions, as determined by the Board of Supervisors, shall be placed on the reemployment list for the classification held at the time of displacement, and, if displaced further, on each successive re-employment list for each lower classification held by the employee in the department without a break in the continuity of seniority. The right of placement shall apply only to those employees who occupy a position as a result of a Civil Service qualifying procedure. Placement of names on this list shall be determined by total County seniority.
- 1350.20 County Layoff Re-employment List: Every qualified permanent employee laid off shall have the right to complete a County Layoff Re-employment List form listing any or all previously held county jobs in the sequence of continuous unbroken service to the county. The jobs so listed shall be in order, with the most recently held job listed first. Names shall appear on this list in order of total county seniority; those with greatest seniority shall be listed first.

1360.00 USE OF RE-EMPLOYMENT LISTS.

If, after a layoff occurs within a department, a position subsequently becomes available, the following method of filling the vacant position shall be used:

1360.10 The department head shall notify the Director of Personnel of the vacant position to be filled. The Director of Personnel shall certify the most senior individual eligible for re-employment to the position from the Department Layoff Re-employment List and notify the eligible individual to contact the appointing authority to arrange the date for filling the position.

1360.20 If the Department Layoff Re-employment List is exhausted, the Director of Personnel shall certify the three most senior eligible individuals from the County Layoff Re-employment List and shall notify those individuals to contact the appointing authority for a job interview.

1370.00 RIGHTS OF EMPLOYEES RECALLED FROM LAYOFF DISPLACEMENTS.

An employee recalled from the Department Layoff Re-employment List shall return to the same step and range level held prior to displacement. If the employee was displaced during a probationary period, the remaining probationary time shall be served when recalled. Recalled permanent status employees shall not be required to serve a probationary period. The employee shall assume the same vacation accrual rate, vacation accrual date and increment seniority date (minus layoff period) as previously enjoyed in the classification. All sick leave credits of record at the time of layoff shall be reccredited to the employee upon return to a full-time position within the classification formerly held.

1370.10 An employee recalled to county service from the County Layoff Re-employment List shall serve a regular probationary period. The individual may be re-employed at any step level of the pay range for the classification, pursuant to provisions of the Ordinance Code. Upon completion of the probationary period, the employee shall assume the vacation accru-

al rate and vacation accrual date (minus lay-off period) enjoyed prior to layoff. Sick leave credits of record at the time of layoff shall be reccredited to the employee upon completion of the probationary period.

1370.20 An employee who is re-employed from the County Layoff Re-employment List and does not successfully complete a probationary period shall return to his/her place on the County Layoff Re-employment List.

1380.00 PRIORITY AND DURATION OF RE-EMPLOYMENT LISTS.

1380.10 Notwithstanding any provision to the contrary, the Department Layoff Re-employment List and the County Layoff Re-employment List shall have precedence over all other employment lists.

1380.20 The duration of affected employees' rights to recall through the Department Layoff Re-employment List and the County Layoff Re-employment List shall be two (2) years from the date of placement on such lists.

1380.30 Individual names shall be removed from the Department Layoff Re-employment List and the County Layoff Re-employment List for any of the following reasons.

1380.31 Failure to accept employment or report to work in a similar position in the same classification within the department from which the employee was laid off.

1380.32 Failure to appear for a job interview after notification.

1380.33 Failure to respond, for any reason, within seven (7) working days after posting by certified mail of a notice to the employee certifying eligibility for re-employment.

1380.34 Request in writing by the employee to be removed from the lists.

1380.35 Failure to accept employment or report to work for a position within a classification listed by the employee on the County Layoff Re-employment form shall act to remove the

employee's name only for the classification refused.

1390.00 RESTORATION OF FORMER EMPLOYEE'S NAME
TO LAYOFF RE-EMPLOYMENT LIST.

1390.10 If a former employee's name has been removed from the Layoff Re-employment Lists as a result of Sections 1380.30; 1380.31; 1380.32; and 1380.33 of these rules, the former employee may request restoration of his/her name to said list. Restoration of a former employee's name to a layoff re-employment list will be permitted only for the reasons outlined in Sections 1390.11 and 1390.12 below. All such requests for restoration to a layoff re-employment list shall be submitted to the Director of Personnel.

1390.11 If the failure to comply with Sections 1380.30; 1380.31; 1380.32; and 1380.33 of these rules is alleged to be a result of a medical disability, the former employee shall include sufficient medical evidence to support the request for restoration to the list. The Director of Personnel may determine upon review of such evidence to restore the former employee's name to the appropriate layoff re-employment list.

1390.12 If the failure to comply with Sections 1380.30; 1380.31; 1380.32; and 1380.33 of these rules is alleged to be a result of unusual, unique non-medical circumstances beyond the individual's control, the former employee shall submit sufficient evidence to support the request for restoration to the list. The Director may determine, upon review of such evidence to restore the former employee's name to the appropriate layoff re-employment list.

1390.20 The restoration of any former employee to a layoff re-employment list shall not act to extend the individual's original two-year duration of rights. Any such restoration of a former employee shall not affect any previous appointment from the layoff re-employment list.

1390.30

A former employee who has had his/her name removed from a layoff reemployment list may, upon request to the Director of Personnel, have his/her name placed on the County Reemployment List.

- 1400.00 Whenever it becomes necessary, as determined by the Board of Supervisors, to reduce the number of authorized budgeted positions, the following rules and regulations relative to layoff procedures shall apply to Safety Member employees.
- 1405.00 DEFINITIONS.
- 1405.10 Safety Member:
Safety member shall be employees in Fire Fighter and Deputy Sheriff classifications.
- 1405.20 Safety Department Layoff Reemployment List:
A list containing names of qualified permanent employees who are placed upon the list by length of seniority (inverse order of displacement) in the affected classification when displaced from a position as a result of reduction of operations or personnel. Placement on such a list grants specific rights to displaced employees for return to a position in the former classification as vacancies occur.
- 1405.30 Displace: An action caused by a reduction of authorized budgeted positions wherein an employee is demoted or laid off.
- 1405.40 County Layoff Re-employment List: Qualified permanent employees who are laid off may have their names placed on this list for classifications in which they previously held permanent status. This list will be used to fill vacant positions after exhausting the Safety Department Layoff Re-employment List and prior to the use of other employment lists.
- 1405.50 Flexible Staffing Allocation: Flexible Position shall be considered as one classification.
- 1405.60 Non-Qualified Permanent Employee: An employee with permanent civil service status whose overall performance evaluation rating is below a "Standard" rating for the last two annual rating periods.
- 1405.70 Recalled Employee: An employee who returns to a position from which displaced.
- 1405.80 Qualified Permanent Employee: An employee with permanent civil service status whose overall performance evaluation is "Standard" or higher.

1405.90

Seniority: The length of total continuous, unbroken time worked in county service in a regular budgeted permanent position (extra help and all 8900 budget series CETA time excluded). Approved leaves of absence without pay maintain the continuity of employment, but the duration of the leave is deducted from the total continuous time period. Should two or more employees have identical seniority dates, the order of displacement will be determined by the employee's length of continuous service in the classification affected. The employee with the least amount of continuous service in the affected classification will be displaced first. Should two or more employees have identical continuous service in the affected classification, displacement will be in inverse order of the employee's final position on the eligibility list.

1410.00 ORDER OF LAYOFF.

1410.10

Notwithstanding any provision to the contrary, the order of layoff of safety member employees within the department affected by reduction of personnel shall be as follows:

1410.11

By classifications affected in the department:

1410.11

.1 Non-permanent employees:

1410.11

.11 Extra help employees,

1410.11

.12 Temporary employees,

1410.11

.13 Provisional employees,

1410.11

.14 Probationary employees.

1410.11

.2 Non-qualified permanent employees.

1410.11

.3 Permanent employees.

1410.20

Within departments affected by employee displacement, those CETA employees occupying positions classified the same as, or substantially equivalent to affected regular positions shall be first laid off.

1410.30

A qualified permanent employee who has been promoted or transferred and whose status is probationary or temporary shall, for the

purpose of these layoff rules, be defined as a permanent employee of the department in which the currently-held position is allocated.

1420.00 SELECTION OF PERMANENT SAFETY EMPLOYEES
TO BE LAID OFF.

1420.10 Upon notification of the necessity to reduce the number of safety employees, the department head shall determine the number of employees affected by the layoff and shall notify immediately the Director of Personnel. Upon receipt of the notice, the Director of Personnel shall give the Department Head the names of those employees who are least senior in total county seniority. Layoffs shall be accomplished by inverse order of total county seniority regardless of classification.

1425.00 NOTICE OF LAYOFF.

It shall be the department head's responsibility to notify the affected employees at least fifteen (15) calendar days prior to the effective day of the layoff.

1425.10 The notice of layoff to affected employees shall include:

1425.11 The reason for layoff,

1425.12 The effective date of layoff,

1425.13 The requirements governing retention of their names on the Safety Department Layoff Re-employment List and County Layoff Re-employment List,

1425.14 Procedures for employee appeal to layoff action if the employee charges violation of the layoff procedure,

1425.15 List of benefits which will cease as a result of layoff and available options for employees.

1430.00 PLACEMENT OF NAMES ON RE-EMPLOYMENT LISTS.

1430.10 Safety Department Layoff Re-employment List:
The name of every qualified permanent employee occupying a position on permanent or probationary status who is displaced as a result of reduction of authorized positions, as determined by the Board of Supervisors, shall be

placed on the re-employment list for the classification held at the time of displacement, and, if displaced further, on each successive re-employment list for each lower classification held by the employee in the department without a break in the continuity of seniority. The right of placement shall apply only to those employees who occupy a position as a result of a Civil Service qualifying procedure. Placement of names on this list shall be determined by length of continuous unbroken service in the classification affected; those with greatest service in the classification shall be placed at the top of the list.

1430.20

County Layoff Re-employment List: Every qualified permanent employee laid off shall have the right to complete a County Layoff Reemployment List form listing any or all previously-held county jobs in the sequence of continuous unbroken service to the county. The jobs so listed shall be in order, with the most recently held job listed first. Names shall appear on this list in order of total county seniority; those with greatest seniority shall be listed first.

1435.00

REALLOCATION OF POSITIONS IN VARIOUS CLASSIFICATIONS AFFECTED BY PERSONNEL REDUCTION.

1435.10

The department head shall reorganize the department after initial layoffs have occurred to reasonably and accurately reflect appropriate ratios of entry level positions, medium-level positions, supervisory positions and management positions.

1440.00

DISPLACEMENT OF EMPLOYEES TO LOWER LEVEL CLASSIFICATIONS.

1440.10

Starting with the highest level affected classification after reorganization and after determination of the number of positions in each classification has been made, employees shall revert to the next lower level classification which they have previously occupied, and shall assume the relative seniority position in the next lower classification which they held prior to promotion to the level from which displacement has occurred.

1440.20

Starting with the highest rank affected by layoff, the employees with least seniority

in each rank shall revert to the next lower rank previously held until the numbers in each rank (classification) equals final allocation numbers for each classification as determined by the department reorganization.

1440.30

A Safety member may displace a less senior non-safety employee in a lower level classification if the senior employee was promoted from the non-safety classification. Safety member employees who have transferred into the Safety department pursuant to the Rules of the Commission because of closing or consolidation of former offices or departments may displace to lower level safety classifications based upon seniority even though the employee may not have held a position in the lower level classification.

1445.00 USE OF RE-EMPLOYMENT LISTS.

If, after a layoff occurs within a department, a position subsequently becomes available, the following method of filling the vacant position shall be used:

1445.10

The department head shall notify the Director of Personnel of such vacant position to be filled. The Director of Personnel shall certify the most senior individual eligible for the position from the Safety Department Layoff Re-employment List and notify the eligible individual to contact the department head to arrange the date for filling the position.

1445.20

If the Safety Department Layoff Re-employment List is exhausted, the Director of Personnel shall certify the three (3) most senior eligible individuals from the County Layoff Re-employment List and notify these individuals to contact the appointing authority to arrange for a job interview.

1450.00 RIGHTS OF RECALLED EMPLOYEES.

An employee recalled to a former classification from the Safety Department Layoff Re-employment List shall return to the classification at the same step and range level held prior to displacement. The employee shall not be required to serve a probationary period, in which case the remaining probationary time shall be completed.

- 1450.10 If an employee had been laid off and subsequently recalled, he/she shall assume the same accrual rate for vacation and the same vacation accrual date and increment seniority date (minus layoff period) as previously enjoyed in the classification. All sick leave credits of record at the time of layoff shall be recredited to the employee upon return to a full-time former classification.
- 1450.20 An employee recalled to county service from the County Layoff Reemployment List shall serve a regular probationary period. The individual may be reemployed at any step level of the pay range for the classification, pursuant to provisions of the Ordinance Code. Upon completion of the probationary period, the employee shall assume the vacation accrual rate and vacation accrual date (minus layoff period) enjoyed prior to layoff. Sick leave credits of record at the time of layoff shall be recredited to the employee upon completion of the probationary period.
- 1450.30 An employee who is reemployed from the County Layoff Re-employment List and does not successfully complete a probationary period shall return to his/her place on the County Layoff Re-employment List.
- 1455.00 PRIORITY AND DURATION OF RE-EMPLOYMENT LISTS.
- 1455.10 Notwithstanding any provision to the contrary, the Safety Department Layoff Re-employment List and the County Layoff Re-employment List shall have precedence over all other employment lists.
- 1455.20 The duration of affected employees' rights to recall through the Safety Department Layoff Re-employment List and the County Layoff Re-employment List shall be two (2) years from the date of placement on such lists.
- 1455.30 Individual names shall be removed from the Safety Department Layoff Re-employment List and the County Layoff Re-employment List for any of the following reasons:
- 1455.31 Failure to accept employment or report to work in the same position within the department from which the employee was laid off.

- 1455.32 Failure to appear for a job interview after notification.
- 1455.33 Failure to respond, for any reason, within seven (7) working days after posting by certified mail of a notice to the employee certifying eligibility for re-employment.
- 1455.34 Request in writing by the employee to be removed from the lists.
- 1455.35 Failure to accept employment or report to work for a position within a classification listed by the employee on the County Layoff Re-employment form shall act to remove the employee's name only for the classification refused.
- 1460.00 RESTORATION OF FORMER EMPLOYEE'S NAME TO LAYOFF RE-EMPLOYMENT LIST.
- 1460.10 If a former employee's name has been removed from the Layoff Re-employment Lists as a result of Sections 1455.31-1455.33 of these rules, the former employee may request restoration of his/her name to said list. Restoration of a former employee's name to a layoff re-employment list will be permitted only for the reasons outlined below. All such requests for restoration to a layoff re-employment list shall be submitted to the Director of Personnel.
- 1460.11 If the failure to comply with Sections 1455.31-1455-33 of these rules is alleged to be a result of a medical disability, the former employee shall include sufficient medical evidence to support the request for restoration to the list. The Director of Personnel may determine upon review of such evidence to restore the former employee's name to the appropriate layoff re-employment list.
- 1460.12 If the failure to comply with Sections 1455.31-1455.33 of these rules is alleged to be a result of unusual, unique non-medical circumstances beyond the individual's control, the former employee shall submit sufficient evidence to support the request for restoration to the list. The Director may determine upon review of such evidence, to restore the former employee's

name to the appropriate layoff re-employment list.

1460.20

The restoration of any former employee to a layoff re-employment list shall not act to extend the individual's original two-year duration of rights. Any such restoration of a former employee shall not affect any previous appointment from the layoff re-employment list.

1460.30

A former employee who has had his/her name removed from a layoff re-employment list may, upon request to the Director of Personnel, have his/her name placed on the County Re-employment List.

1510.00 DEFINITIONS.

For the purpose of this procedure, the following terms are defined as follows:

1510.10 "Hearing Officers" - The County Administrative Officer and the Director of Personnel or their designated representatives.

1510.20 "Displacement" - An action caused by a reduction of authorized budgeted positions, wherein an employee is demoted or laid off.

1520.00 APPEAL PETITION.

The completed appeal petition shall be the basis upon which an appeal may be heard; therefore, it must contain all specific facts and reasons upon which an employee is alleging a violation of the layoff rules. The appeal shall be reviewed at each step of the process for sufficiency and merit. The petition shall be deemed as insufficient if it fails to state all specific facts and reasons as grounds for the appeal, or, if, in the opinion of the appointing authority, hearing officers or the Civil Service Commission, the facts or reasons stated, even if true, would not entitle the employee to any relief. If the petition is denied for the reasons stated above, such denial shall be without prejudice to the filing of an amended petition within two (2) days of receipt of such denial.

1525.00 APPEAL PROCEDURE.

1525.10 If an employee directly affected by a displacement believes such action is in violation of the Civil Service Commission Rules governing layoff, the employee shall have the right, upon petition in writing, to appeal such action. An appeal concerning layoff rules violation shall not act to stay or stop the intended displacement.

1525.20 If an employee wishes to appeal an intended displacement action, the following course of action shall be taken:

1525.21 Step 1: Within two (2) working days after receipt of a displacement notice, the employee shall complete and file with the appointing authority the appeal petition on the form specified by the Commission.

1525.22 Step 2: The appointing authority shall review the employee's allegation and respond in writing to the employee within two days after receipt of the employee's appeal.

1525.23.1

Step 3: If the employee is not satisfied with the appointing authority's decision, the employee may petition the County Administrative Officer for a hearing. Such petition for a hearing must be filed within one (1) working day after receipt of an appointing authority's decision. Within one (1) working day after receipt of an employee's timely appeal, the County Administrative Officer and the Director of Personnel, or their designated representatives, shall review the employee's petition appeal to determine:

1525.23.2

If the petition or amended petition is found to be sufficient in stated facts and reasons, or found to have merit for consideration, the hearing officers or their designated representatives shall either schedule a hearing, or render a written decision consistent with the layoff rules within three (3) working days. If a hearing is held, the hearing officers shall issue a written decision within two (2) working days after the close of such hearing.

1525.23.3

If a hearing is held, the appointing authority and the employee shall attend, and the employee may be represented by a person of his or her choice.

1525.24.1

Step 4: If the appointing authority or the employee is not satisfied with the hearing officers' decision, either party may petition the Civil Service Commission for a hearing by filing a complete appeal petition and/or the amended appeal petition, together with the decisions rendered in Steps 2 and 3, with the Director of Personnel.

1525.24.2

If the Commission, after review of the complete appeal petition or amended appeal petition, finds the petition to have merit for consideration, the Commission shall set a hearing date and such hearing will be governed by the provisions of Civil Service Commission Rule 1735.00.

- 1525.23.1 Step 3: If the employee is not satisfied with the appointing authority's decision, the employee may petition the County Administrative Officer for a hearing. Such petition for a hearing must be filed within one (1) working day after receipt of an appointing authority's decision. Within one (1) working day after receipt of an employee's timely appeal, the County Administrative Officer and the Director of Personnel, or their designated representatives, shall review the employee's petition appeal to determine:
- 1525.23.2 If the petition or amended petition is found to be sufficient in stated facts and reasons, or found to have merit for consideration, the hearing officers or their designated representatives shall either schedule a hearing, or render a written decision consistent with the layoff rules within three (3) working days. If a hearing is held, the hearing officers shall issue a written decision within two (2) working days after the close of such hearing.
- 1525.23.3 If a hearing is held, the appointing authority and the employee shall attend, and the employee may be represented by a person of his or her choice.
- 1525.24.1 Step 4: If the appointing authority or the employee is not satisfied with the hearing officers' decision, either party may petition the Civil Service Commission for a hearing by filing a complete appeal petition and/or the amended appeal petition, together with the decisions rendered in Steps 2 and 3, with the Director of Personnel.
- 1525.24.2 If the Commission, after review of the complete appeal petition or amended appeal petition, finds the petition to have merit for consideration, the Commission shall set a hearing date and such hearing will be governed by the provisions of Civil Service Commission Rule 1735.00.

DISPLACEMENT APPEAL PETITION

NAME _____ CLASS. _____ DEPT. _____

Date of Displacement Notice to Employee _____

Alleged Violation of Layoff Rules _____

Requested Remedy _____

Employee Signature _____ Date _____

Appointing Authority Decision _____

Signed _____ Date _____

Appeal to Next Level _____ Signed _____ Date _____

Withdraw Appeal _____ Signed _____ Date _____

If Appealed: Reasons for Appeal (state specific facts and attach additional sheets if necessary).

Hearing Officer's Decision:

_____ Hearing Denied: (Insufficient/Lacks Merit)

_____ Hearing Granted

_____ Hearing Officer's Decision Without Hearing

Hearing Officer's Decision: _____

County Administrative Officer _____ Date _____

Director of Personnel _____ Date _____

Appeal to Civil Service Commission:

Date _____

Employee _____ Signed _____ Date _____

Withdrawal _____ Signed _____ Date _____

Pointing Authority _____ Signed _____ Date _____

If appealed: Reasons for Appeal (state specific facts or reasons) _____

Civil Service Commission Action:

_____ Hearing Denied

_____ Hearing Granted

Decision _____

Effective Date of Action/Decision _____

- 1610.00 An employee wishing to leave the classified service in good standing shall file with the appointing authority a signed written resignation on Form #96-5236 giving at least one (1) week's notice of his/her intention to leave county employment, unless said appointing authority consents to the employee leaving sooner. The written resignation, together with notice of its acceptance, shall be forwarded to the office of the Commission forthwith.
- 1620.00 An employee who leaves the classified service without so filing a written resignation, or giving one (1) week's notice, shall have that fact entered in his/her personnel record in the office of the Commission, and may be denied reemployment privileges by the Commission.
- 1630.00 The appointing authority shall specifically state, in the "Remarks" section of the Change in Employee Status Form, whether or not the employee is in good standing at the time of resignation. If the appointing authority is allowing the employee to resign in lieu of dismissal, suspension or reduction, the employee should be considered not in good standing.

1705.00 CAUSE FOR DISMISSAL, SUSPENSION OR REDUCTION.

This rule sets forth the procedures to be followed any time the appointing authority takes action to dismiss, suspend or reduce in rank or compensation any officer or employee in the classified civil service. The following reasons shall be deemed sufficient for dismissal, suspension or reduction in rank or compensation, provided that such action shall not be limited to these reasons:

- 1705.01 Absence without leave. An employee who absents himself/herself from the job, without notification to the appointing authority, for a period of one (1) working day or more shall be guilty of absence without leave within the meaning of this subsection.
- 1705.02 Conviction of any criminal act involving moral turpitude.
- 1705.03 Conduct unbecoming an employee in the public service.
- 1705.04 Disorderly or immoral conduct.
- 1705.05 Incapacity due to mental or physical disability to be determined by a medical examination.
- 1705.06 Incompetency or inefficiency.
- 1705.07 Insubordination.
- 1705.08 In possession of, or under the influence of alcoholic beverages during the employee's working hours or at his or her work site.
- 1705.09 Neglect of duty.
- 1705.10 Negligence or willful damage to public property or waste of public supplies or equipment.
- 1705.11 Violation of any lawful or reasonable regulation or order made and given by a superior officer.
- 1705.12 Fraud in securing appointment.
- 1705.13 Dishonesty.
- 1705.14 In possession, in use, under the influence of, or trafficking in a controlled substance or narcotics, except when prescribed for the employee by his/her doctor, during the employee's working hours or at his/her work site.
- 1705.15 Discourteous treatment of the public or other employees.

- 1705.16 Improper political activity.
- 1705.17 Willful violation of any of the provisions of the Civil Service law or of these Rules.
- 1710.00 NOTICE OF PROPOSED ACTION AND EMPLOYEE'S RIGHT TO RESPOND.
- 1710.10 The appointing authority, or any person authorized by it may take disciplinary action against an employee for one or more of the causes for discipline specified in this Rule by providing written notice of the proposed disciplinary action to the employee at least five (5) working days prior to the effective date of the proposed action. The notice shall be served upon the employee either personally or by registered mail and shall include: (1) a statement of the nature of the disciplinary action; (2) the effective date of the action; (3) a statement in ordinary and concise language of the acts or omissions upon which the causes are based; (4) a statement advising the employee of his/her right to informally respond, either orally or in writing, to the authority initially proposing the disciplinary action.
- 1710.20 The employee shall have the right to inspect the materials on which the notice is based and which are relied on to support the reasons in the notice, which shall be assembled and made available upon request to the employee for his/her review, provided that nothing within this provision shall be construed to limit the right of the appointing authority to use any subsequently acquired information and materials in the case of an appeal or in any subsequent proceeding.
- 1710.30 The employee shall have the right to respond to the appointing authority either orally or in writing and to informally present such reasons, statements and other materials as to why the proposed disciplinary action should not be taken. The appointing authority shall consider the response offered by the employee before final action is taken.
- 1715.00 DUTY STATUS DURING NOTICE PERIOD.
Except as otherwise provided, an employee against whom disciplinary action is proposed is entitled to be retained in an active duty status during the notice period.

1715.10 When circumstances are such that the retention of an employee in an active duty status in his/her position may be detrimental to the interests of the County, the employee, the employee's fellow workers, or the general public, the appointing authority may temporarily assign the employee to duties in which these conditions do not exist or place the employee in a non-active duty status with pay.

1720.00 EXCEPTIONS TO NOTICE PERIOD AND OPPORTUNITY TO RESPOND.

1720.01 When there is reasonable cause to believe an employee is guilty of a crime for which a sentence of imprisonment can be imposed, the appointing authority is not required to give the employee the full five (5) working days advance written notice, but shall give such less number of days advance notice and opportunity to respond as under the circumstances is reasonable and can be justified.

1720.02 Extraordinary Circumstances: Notwithstanding the provisions of Section 1710.00, the appointing authority may take disciplinary action against an employee by following the procedures of Section 1725.00 only and shall not be required to give the employee advance written notice when circumstances are such that the retention of an employee in an active duty status may result in damage to County property or may be injurious to the employee, the employee's fellow workers, or the general public.

1725.00 ORDER OF DISMISSAL, SUSPENSION OR REDUCTION.

Disciplinary action against any officer or employee in the classified civil service for one or more of the causes for discipline specified in this Rule shall become effective upon execution of a written order by the appointing authority stating specifically the reasons for the action. The order shall be immediately filed with the Director of Personnel, and a copy thereof shall be furnished to the person to be dismissed, suspended or reduced and to the Civil Service Commission.

1725.20 The officer or employee may reply in writing within ten (10) days from the date the order is filed with the Director of Personnel. The response should be addressed to the appointing authority with a copy to the Director of Personnel.

1730.00 APPEAL AND ANSWER.

The officer or employee may, within seven (7) days after presentation to him of the order, appeal through the Director of Personnel to the Civil Service Commission from the order. Upon the filing of the appeal, the Director of Personnel shall forthwith transmit the order and appeal to the Civil Service Commission for hearing.

1730.10 Notice of the request for appeal by the officer or employee to the Civil Service Commission shall be transmitted forthwith to the department head or appointing authority who initiated the dismissal, suspension or reduction.

1730.20 The appointing authority or department head shall, within ten (10) days after receipt of such appeal request by the Director of Personnel, prepare or cause to be prepared a full bill of particulars citing the incidents and evidence to support the action taken against the officer or employee.

1730.30 A copy of the bill of particulars shall be provided to the employee and the Civil Service Commission. This rule shall also apply in the case of appeal for increment or salary adjustment denial.

1735.00 HEARING.

1735.10 Within twenty (20) calendar days from the filing of the appeal, the Commission shall commence a hearing and either affirm, modify or revoke the order. The appellant may appear personally, produce evidence and have counsel and a public hearing.

1735.20 The hearing shall be informal, and the Commission shall not be bound by any of the rules of evidence governing trial procedure in State Courts, provided, however, that insofar as determined practicable by the Commission, the hearing shall be conducted in accordance with the provisions of Section 11513 of the Government Code save and except that the officer or employee may be examined and may examine and cause any person to be examined under Section 776 of the Evidence Code.

1740.00 FINDINGS AND DECISION.

The Commission shall, within a reasonable time after completion of the hearing, determine a verdict. The verdict by the Commission shall specify a finding as to each ground or reason charged.

1740.10 By specific decision, the Commission may affirm, revoke or modify the order and the appointing authority or department head shall forthwith enforce and follow the Commission's decision.

1745.00 MAXIMUM SUSPENSION.

Any suspension without pay of an employee by the appointing authority for disciplinary purposes shall be limited to a maximum of thirty (30) calendar days for any one specific incident.

1750.00 HEARING OFFICER.

The Commission may, upon its judgment, employ a hearing officer to hear the appeal. After hearing the appeal, such hearing officer shall submit to the Commission a Proposed Decision, along with Findings of Fact and Conclusions of law, within a reasonable time. The Commission shall review the proposed decision and either adopt it or take other such action as is appropriate under the law.

1760.00 OCCUPATIONAL ALCOHOLISM - NON-PUNITIVE ACTION.

Notwithstanding any rule provisions to the contrary, it is general policy of the County to recognize employee occupational alcoholism as a treatable condition and that a policy of non-punitive action be followed for any employee whose job performance is impaired by such condition. Non-punitive action in each case is dependent upon agreement of the employee to seek treatment for the condition and department head concurrence in such action as in the best interests of the County and the employee. Failure of the employee to agree to treatment or the lack of satisfactory progress thereafter as determined by the employee's department head will result in further action to be taken as provided for in this Rule.

1810.00 RIGHT TO APPEAL BASED ON DISCRIMINATION.

Any applicant seeking appointment to or employee seeking promotion in the classified service, or any employee who alleges he/she has been discriminated against on the basis of political or religious affiliation or because of race, national origin, sex, age, physical disability, color, medical condition, marital status, ancestry, or union activity, may appeal the action in writing to the Director of Personnel. Such written appeal should contain specific allegations together with documented evidence supporting the appellant's charge(s).

1820.00 INFORMAL REVIEW.

Every effort shall be made to resolve alleged discrimination complaints on an informal basis. Any applicant or employee shall within twenty (20) days of the alleged discrimination contact the Affirmative Action Division of the Personnel Department and discuss the complaint with the Equal Employment Opportunity Officer or designated representative. Pre-complaint counseling shall be used with the objective of achieving an informal resolution to the alleged discrimination complaint.

1830.00 APPEAL PROCEDURE.

In the event that the alleged discrimination complaint is not resolved, the aggrieved person may within twenty (20) days from completion of the informal review file a formal complaint with the Secretary of the Civil Service Commission.

1830.01 The complaint must provide a full Bill of Particulars including names, dates, places and witnesses involved. The Secretary shall immediately transmit such request to the Equal Employment Opportunity Officer with a copy thereof to the involved department head.

1830.02 The Equal Employment Opportunity Officer and/or his/her representative(s) shall investigate the allegation(s) and attempt to satisfactorily resolve the issue(s) with the complainant and the involved department head. He/she shall issue a written decision together with recommended remedies, if any, within twenty (20) calendar days after the filing of the formal complaint.

1830.03 If, through the efforts of the Equal Employment Opportunity Officer and/or his/her representative(s), a satisfactory resolution is achieved, the case shall be deemed closed.

1830.04

If the complainant or affected department head is not satisfied with the decision as recommended by the Equal Employment Opportunity Officer pursuant to the formal complaint, he/she shall have the right to file a written appeal to the Kern County Civil Service Commission, through the Secretary, within seven (7) calendar days after receipt of the decision. The Commission shall within twenty (20) days after receipt by the Secretary commence a hearing.

1840.00 HEARING.

The hearing shall be informal, provided, however, that insofar as determined practicable by the Commission, the hearing shall be conducted in accordance with the provisions of Section 11513 of the Government Code save and except that the department head appellant may be examined and may examine and cause any person to be examined under Section 776 of the Evidence Code. The complainant may appear personally, produce evidence and have counsel and a public hearing.

1845.00 HEARING OFFICER.

The Commission may, upon its judgment, employ a hearing officer to hear the appeal. After hearing the appeal, such hearing officer shall submit to the Commission a proposed Decision, along with Findings of Fact and Conclusions of Law, within a reasonable time. The Commission shall review the proposed decision and either adopt it or take other such action as appropriate under the law.

1850.00 DISCRIMINATION HEARING BY COMMISSION.

In the event the Commission chooses to hear the case as the impartial hearing body, it shall make a decision within a reasonable time and such decision shall be final and binding upon the County and the complainant.

1900.00 DEFINITIONS.

As used in this rule, words and phrases are hereby defined as follows:

"Secondary office": Any office which has been eliminated as a separate entity and the duties and functions of which have been absorbed by, and are to be performed by, a primary office; a secondary office shall also include any city office of any incorporated city within Kern County which has been eliminated because of the consolidation or assumption of the duties and functions of such city office by a county office in accordance with provisions of State law.

"Primary office": Any office which continues to perform the duties and functions incumbent upon and incidental to its original purpose, but which, in addition thereto, assumes the duties and functions of a previously existing secondary office which has been eliminated.

"Consolidate": To transfer to a primary office the duties and functions formerly incumbent upon and performed by an eliminated secondary office.

1910.00 APPOINTMENT OF FORMER EMPLOYEES OF ELIMINATED SECONDARY OFFICE.

1910.10 **Deputies:** Whenever a secondary office has been eliminated and the former duties and functions thereof have been transferred to and consolidated with the duties and functions of a primary office under any provision of law which provides that the duties and functions of the eliminated secondary office shall be assumed and performed by the primary office and/or the designated deputies of such primary office, then, in such event, the appointing authority of the primary office may, upon request therefor made to the Commission, appoint such designated deputies from among the former employees of the formerly existing secondary office who held therein, as regular employees, employment duties of a nature substantially equivalent to the duties of the designated deputy to be appointed by the primary office; in any such event, the appointing authority of the primary office may make such appointment without examination as otherwise provided in Rule 400 and without reference to the eligible list as otherwise provided in Rule 500 and without reference to request for certification as otherwise provided in Rule 600.

1910.20

Other than deputies: The appointing authority of the primary office may appoint employees other than deputies to fill positions established in the primary office, under the same conditions and under the same rules as hereinabove provided in Section 1900.00 of this rule for the appointment of deputies; former employees of the secondary office appointed to the primary office under the provisions of this paragraph (2) shall be classified in accord with the particular designation of the employment within the primary office and without reference to any particular classification theretofore held by the appointee in eliminated secondary office.

1920.00 PROBATIONARY PERIOD.

The appointee whose appointment has been effected under the provisions of this Rule 1900 shall be subject to the provisions of Rule 700 relating to probationary period and said appointee shall be deemed a probationer subject to the intents and purposes of said Rule 700 irrespective of the period of service of said appointee as an employee of the eliminated secondary department.

1930.00 VACATION, SICK LEAVE AND RETIREMENT.

Any vacation, sick leave or health or retirement rights or benefits which were earned by, or which accrued to the benefits of, any employee of secondary department, shall, upon the appointment of said employee of the primary department under the provisions of this rule, be transferred to the credit and benefit of the appointee as an employee of the primary department. Provided such vacation, sick leave, health or other benefits were earned under the same vacation, sick leave or health ordinance or systems in the case of the consolidation of County offices or departments.

2000.00 NO PERSON EMPLOYED UNDER THE SYSTEM HEREBY CREATED shall participate in any political activity on County time or in any manner involving the use of County property or expenditure of public funds nor conveying the implication of County endorsement or support for a candidate for local, state or federal office. The Civil Service Commission may adopt such other rules regulating the political activities of employees as may be necessary to preserve the efficiency and integrity of the Kern County government or this civil service system.

2110.00 PRE-AUDIT OF PAYROLLS.

For the purpose of checking the legality of appointment of county employees under the Civil Service law and rules, the Commission shall examine the payrolls of all employees in the classified civil service prior to the issuance of warrants therefor.

2120.00 OFFICIAL ROSTER.

The Commission shall maintain in its office an official roster of all persons employed in the classified service and shall record all changes in employment status, changes in pay and other matters pertinent to carrying out the provisions of the Kern County Initiative Civil Service Ordinance. Department heads shall be responsible for reporting to the Commission information necessary for maintenance of the roster and for checking payrolls.

2130.00 PAYROLLS TO BE SUBMITTED.

All payrolls or claims containing the names of any person or persons to be paid for service rendered in positions in the classified service shall be submitted to the Director who shall cause such payrolls or claims to be examined to determine whether the employees whose names appear thereon have been appointed, promoted, demoted or their salaries increased or decreased in accordance with the provisions of the Kern County Initiative Civil Service Ordinance and of the rules and regulations prescribed thereunder.

2135.00 PAYROLLS TO BE CERTIFIED IF APPROVED.

If, upon examination of a payroll or claim, the names, position code and item number, period for which payments are to be made, and the rates of pay of the person to be paid are found to be in accordance with the provisions of the Salary Ordinance and the Kern County Initiative Civil Service Ordinance and the Rules and Regulations prescribed thereunder, certification of that shall be made upon such payroll or claim by the Director.

2140.00 CERTIFICATION OF PAYROLLS WITHHELD IF NOT APPROVED.

If, upon examination of payroll or claim, it is found that any person named thereon has been employed in violation of any provision of the Salary Ordinance and of the Kern County Initiative Civil Service Ordinance and/or Rules and Regulations of the Commission, certification of such violation shall be made upon such payroll or claim and such certification shall serve as official notification to the County Auditor-Controller that the drawing,

signing or issuing of any warrants on the Treasurer or other disbursing officer of the county for payment of salaries or compensation to such person is unlawful.

2140.01 If the Director has found any violation as described above, he shall also immediately notify the appointing authority.

2145.00 PERSONS AUTHORIZED TO CERTIFY PAYROLLS.

The Director shall act for the Commission in checking and certifying payrolls and shall supervise the work. He may refer to the Commission for consideration, any irregularity discovered which, in his opinion, involves the interpretation or application of the Civil Service Ordinance or the Commission's rules. The Director may authorize in writing any regular employee of the Personnel Department to check and certify payrolls in the Director's name.

2210.00 THE COMMISSION.

A Civil Service Commission consisting of five (5) commissioners is created by the Kern County Initiative Civil Service Ordinance.

2210.10 Duties and Responsibilities: The Commission has the authority and responsibility to:

2210.11 Prescribe, amend and enforce rules and regulations for the administration of a comprehensive civil service system, as provided in the Kern County Initiative Civil Service Ordinance A-126 (As amended by Ordinance A-323).

2210.12 Make investigations concerning the enforcement and effect of the Kern County Initiative Civil Service Ordinance (As amended by Ordinance A-323) and these rules and regulations and take such action as is necessary to enforce same.

2210.13 Appoint a Director of Personnel and such other staff as is necessary to conduct the business of the Commission.

2210.14 Establish the general policy to be followed in the administration of the civil service system.

2210.15 Keep minutes of the proceedings, a roster of all county employees in the classified service, a records of its examinations, and such other records as are desirable and necessary to administer the personnel system.

2210.16 Make an annual report to the Board of Supervisors.

2220.00 ELECTION OF OFFICERS: At its first meeting of each calendar year, the Commission shall elect one of its members President and another Vice President who shall hold office until a successor shall be elected and qualified.

2225.00 QUORUM: Three (3) members of the Commission shall constitute a quorum for the transaction of business.

2227.00 COMMISSION MEETINGS: Regular meetings of the Commission shall be held at 7:30 p.m. on the second Monday of each month in the office of the Commission provided that when such day is a holiday the meeting shall be held on another day of that same week at the

same hour. Special meetings shall be held on the call of the president or any three 3 of the Commissioners. All meetings of the Commission, whether regular or special shall be open to the public except for certain meetings or portions of meetings where the Commission may, by law, enter into executive session.

2229.00 ORDER OF BUSINESS.

Except as otherwise provided herein, business at commission meetings shall be in the following order:

2229.10 Reading of the minutes.

2229.20 Public requests.

2229.30 Departmental requests.

2229.40 Director reports/requests.

2229.50 Commissioner items.

2232.00 DIRECTOR OF PERSONNEL.

The Commission shall appoint a Director of Personnel and such other staff as may be necessary to transact its business properly and as authorized by law. The Director shall be the executive officer of the Commission and under direction of the Commission shall:

2232.10 Be the general manager of the Personnel Department and be responsible for the direction of the work and the personnel of said department.

2232.20 Administer and enforce these rules; investigate the effect of their enforcement and report from time to time any violations and other conditions which in his judgment make it desirable to amend the rules.

2232.30 Determine which examinations are needed and set the dates for holding them.

2232.40 Keep the records of the proceedings of the Commission and have charge of and be responsible for the safekeeping of the books, records, papers and other property in its office.

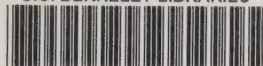
2232.50 Make certifications of those eligible for appointment or employment.

- 2232.60 Administer the provisions for transfers, leaves of absence, separations and reemployment privileges.
- 2232.70 Have charge of all matters pertaining to the preparation and conduct of examinations and in this connection shall:
- 2232.71 Establish and maintain an examination management system which provides for valid and reliable selection and promotional examinations, subject to established resource constraints and in accordance with accepted standards for testing, and appropriate federal and state laws.
- 2232.72 Prepare or cause to be prepared and posted official bulletins announcing examinations.
- 2232.73 Prepare or cause to be prepared forms for all transactions of the Commission.
- 2232.74 Determine or cause to be determined the subjects in each examination and the relative weights of each.
- 2232.75 Prepare or cause to be prepared suitable questions to be asked in the various examinations and report the results of each examination to the Commission.
- 2232.76 Protect or cause to be protected all examination materials to prevent unauthorized disclosure and compromise.
- 2232.77 Appoint experts to aid him/her in preparing questions and rating examination papers, whenever necessary.
- 2232.78 Direct the work of examiners, or other employees subordinate to him/her and take care to secure accuracy, uniformity and justice in their proceedings.
- 2232.79 Pass upon all questions relating to the eligibility of applicants for examination, based upon their written application, and also questions relating to the admissibility of applicants when they appear for examination, and in this regard conduct such investigation, as necessary, into the background of applicants to ensure their fitness for the positions to which applied.

- 2232.80 Prepare or cause to be prepared the checking and certifying of payrolls.
- 2232.90 Administer the classification and compensation plans.
- 2233.00 Approve accounts for all expenses arising within the department.
- 2234.00 Generally conduct the correspondence of the Commission and perform such other appropriate duties as it may assign to him, or as set forth in these rules.
- 2235.00 The Director of Personnel shall annually assemble and review pay scale data within Kern County relating to the various classes and positions of bench mark jobs which are comparable to various classifications in the classified service of Kern County.
- 2240.00 SECRETARY OF COMMISSION.
The Director shall attend all Commission meetings, shall act as secretary to the Commission, shall present matters requiring action by the Commission and shall prepare the minutes.
- 2250.00 COMMISSION RECORDS.
Minutes of the Commission meetings, the classification and pay plan, actions of dismissal and suspension, and the rules shall be considered public record. Other records of the Commission shall be confidential by reason of public policy except as otherwise provided in these Rules and Regulations. All records of the Commission shall be in custody of the Director, and disclosure to the public shall be at the Director's discretion, and in accordance with the law.

- 2301.00 AMENDMENT OF RULES - Amendment of the Rules and Regulations or additions thereto may be proposed at any meeting of the Commission, but action thereon shall not be taken until a subsequent meeting. All rules and amendments thereof shall become effective upon the date of their adoption by the Commission and shall be printed forthwith for distribution.
- 2302.00 REGULATIONS - The Commission may, from time to time, adopt and record in the minutes, regulations or procedures for the administration of these Rules, and a copy thereof shall be furnished to each department of the county government.

U.C. BERKELEY LIBRARIES



C124878480